

CHAPTER 3

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

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CHAPTER 3

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

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

- A. **“Utility”** - means all utility services, whether the same be public City-Owned facilities or furnished by public utility companies.
- B. **“Municipal Utility”** - means any City-owned utility system, including, but not by way of limitation, water and sewerage service.
- C. **“Company”, “Grantee”, and “Franchisee”** - means any public utility system to which a franchise has been granted by the City.
- D. **“Consumer” and “Customer”** - means any user of a utility.
- E. **“Service”** - means providing a particular utility to a customer or consumer.

SECTION 3.02. FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, deposit, inspection fees, water prepayment fees, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

SECTION 3.03. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this chapter.

SECTION 3.04. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

Subd. 1. Billing, Payment and Delinquency. All municipal utilities shall be billed quarterly and a utilities statement or statements shall be mailed to each property owner each quarter, unless the owner of the property has made

arrangements in writing with the City to bill a tenant or tenants. All utilities charges shall be delinquent and the responsibility of the property owner if they are unpaid forty-five (45) days after the end of the quarter; provided, that if the 45th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A quarterly penalty as adopted by City Council resolution at their first regular meeting in January of each year and adjusted from time to time shall be added to, and become part of, all delinquent utility bills. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

Subd. 2. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same, and all fees, charges and assessments required by this Chapter have been paid in full. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Subd. 3. Discontinuance of Service. All municipal utilities may be shut off or discontinued, any time between any Monday at 9:00 o'clock A.M. and the following Friday at 9:00 o'clock A.M., whenever it is found that:

- A. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereof, or any connection therewith, or,
- B. Any charge for a municipal utility service, or any other utility-related financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or,
- C. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

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

Subd. 5. Right of Entry. The City has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connection and disconnecting service.

Subd. 6. Meter Accuracy. All water utilities service shall be supplied through a meter which shall accurately measure the amount thereof supplied to any consumer. The consumer shall supply a safe and proper place for the installation of such meters. Meters shall be tested for accuracy by the City upon the request of any consumer who believes his meter to be inaccurate. If, upon test, it appears that such meter overruns to the extent of three percent (3%) or more, the City shall pay the cost of such tests and shall make a refund for overcharges collected since the last known date of accuracy but for not longer than six months, on the basis of the extent of the inaccuracy found to exist at the time of the tests. If, upon test, it appears that such meter is a low to the extent of three percent (3%) or more, the consumer shall pay for undercharges since the last known date of accuracy but for not longer than six months on the basis of the extent of the inaccuracy found to exist at the time of the test. If, when any meter is tested upon the demand of a consumer, it is found to be accurate or slow or less than three percent (3%) fast, the consumer shall pay the reasonable cost of such testing.

Subd. 7. Unlawful Acts.

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

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

- A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to the owner unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of Lexington, Minnesota. The City

may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

- B. Each such account is hereby made a lien upon the premises served. All such accounts which are more than forty-five days past due may, when authorized by resolution of the Council, be certified by the Clerk of the City of Lexington, Minnesota to the County Auditor, and the Clerk in so certifying shall specify the amount thereof, the description of the premises served, and name of the owner thereof. A penalty as adopted by City Council resolution at their first regular meeting in January of each year and adjusted from time to time shall be added to and become part all delinquent bills to be certified. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Subd. 9. Damage to Municipal Utility Equipment. It is unlawful for any person to intentionally cause any damage to any municipal utility equipment or appurtenance, including, but not limited to, meters, street lights, water hydrants and curb cocks. Anyone causing such damage shall pay the reasonable value thereof to the City, including labor for renewal and installation of any equipment and shall be, in effect, an insurer of any equipment in his possession or with which he/she comes in contact.

SECTION 3.05 THROUGH 3.19, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 3.20. RULES AND REGULATIONS RELATING TO WATER SERVICE.

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

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

Subd. 3. Abandoned Services Penalties. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

Subd. 4. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter.

Subd. 5. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City Water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross -connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow. Property served by a private water or private sewer system shall immediately connect to public sewer and public water whenever a private sewer or private water system fails, falls into disrepair, or creates a nuisance or health hazard. A system "falls into disrepair" when the cost of the repair exceeds \$500.00.

Subd. 6. Lexington Sprinkling Ban. As part of the City's water conservation efforts law sprinkling restrictions shall be implemented automatically as follows: (The following restrictions apply to all water sources, City and private well)

- A. TIER I: May through September Odd/Even Days. All properties with addresses that are an odd number can sprinkle on the odd number days. All

properties with addresses that are an even number can sprinkle on the even days.

- B. TIER II: Odd/Even Days and No Watering Between 10:00 a.m. and 7:00 p.m. In addition to the above Tier I Odd/Even Days restriction, sprinkling is prohibited by all properties between the hours of 10:00 a.m. to 7:00 p.m.
- C. TIER III: All sprinkling is banned.
- D. EXEMPTIONS: New Sod or Seed. Thirty (30) day Exemption Notice obtained at City Hall. Notice will be posted in window or door.
- E. VIOLATIONS: Public Works/City Staff will leave a warning "Reminder Notice" at residence. 2nd Offense: Ticket \$25.00. 3rd Offense or Non-Payment of 2nd Offense: Citation to appear at Anoka County Court.

When the City determines it necessary to move to Tier II and/or III public announcements will be made.

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

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

SECTION 3.21 THROUGH 3.29, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 3.30. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.

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

- A. "**Sewage**" - means water-carried waste products from residences, public buildings, institutions or other buildings or premises, including the excrement or other discharge from the premises, including the excrement or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

- B. **“Industrial Waste”** - means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from development of any natural resources.
- C. **“Sewerage System”** - includes all street lateral, main and intersecting sewers and structures by which sewage or industrial wastes are collected, transported, treated and disposed of; provided that this shall not include plumbing inside or a part of a building or premises served, or service sewers from a building to the street lateral.
- D. **“Sewerage Service”** - means the use of and benefit from the sewerage system, including the collection, transportation, pumping, treatment and final disposal of sewage.

Subd. 2. Metered Water Not Discharged. If a portion of the water furnished to any premises is not directly or indirectly discharged into the sewerage system, the quantity of such water shall be deducted in computing the sewerage service charge or rental, provided a separate meter shall be installed and operated to register the quantity so not discharged into the sewerage system. Provided also, that where it is not practicable to meter the portion of the water not discharged into the sewerage system, such adjustment may be made as shall be fair and equitable in order to determine the amount of such service charge or rental; but until such adjustment shall be effected that water consumption basis hereinbefore prescribed shall remain in full force and effect.

Subd. 3. Classification of Industrial Wastes. The City shall have the power to classify the industrial wastes from any lot, parcel of land, building or premises discharged there from into the sewerage system of the City, taking into consideration the quantity of sewage produced and its concentration, strength of pollution qualities in general and of any other factors entering into the cost of its disposal, for the purpose of fixing and prescribing a distinct rate of rental or use charge. Should it be found that as to such sewer uses the water basis consumption does not provide a practicable method in the premises, but until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to such commercial or industrial users. The City may require and prescribe pretreatment on the consumer's premises.

Subd. 4. Deleterious Substances. No sewage including industrial wastes shall contain any substance which is deemed deleterious by the City to the operation of the sewerage system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewerage system discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect sewerage operations, he/she shall discontinue such practice and such practice is hereby declared to be a violation of this Section. Each day of such violation continuing after having been notified in writing by the Clerk to discontinue such practice shall be deemed a separate violation.

Subd. 5. Types of Wastes Prohibited.

- A. It is unlawful to discharge any of the following described waters or wastes into the municipal sanitary sewer system:
- 1) Liquids having a temperature higher than 150 Fahrenheit.
 - 2) Water or waste which contains more than 100 ppm. by weight of fat, oil or grease.
 - 3) Gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
 - 4) Garbage, except such as has been properly shredded.
 - 5) Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in sewerage system or other interference with the proper operation of the system.
 - 6) Water or waste having a pH lower than 6.0 or higher than 9.0 or having any other property to corrode or abrade, cause materials to be deposited or attached to the walls of sewers, or having any other property capable of causing damage or hazard to structures, equipment, and personnel of the system.
 - 7) Water or waste containing a toxic, poisonous or radioactive substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the sewage treatment plant.
 - 8) Water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - 9) Noxious or malodorous substances capable of creating a public nuisance.
 - 10) Roof water, ground water, or any other natural precipitation.

Subd. 6. Unmetered Water Supply. If any premises discharge normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, obtain part or all of the water used thereon from sources other than the City, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the City, then in such case the City shall permit the discharge of normal sewage or industrial waste into its sanitary sewerage system only when the owner of such premises or some other interested party shall

at his/her own expense install a meter of equivalent specifications to those installed by the City in connection with the City water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. If, because of the nature of the source of the water supply, the City deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

Subd. 7. Sewer Construction Requirements.

- A. Materials. All pipe shall be Cast Iron Soil Pipe, (A.S.T.M. Standard Specification A-74-62); Vitrified Glazed Clay Sewer Pipe, (A.S.T.M. Standard Specification C-13-57T); Asbestos Cement Building Sewer Pipe, conforming to specifications of "Transite" Asbestos Cement Sewer Pipe; Polyvinyl Chloride Pipe, Type I, Grade I (A.S.T.M. Standard Specification D-1784); or E.S. Solid Wall Pipe, TYPE I OR IV< (A.S.T.M. Standard Specification D-1788-62T). All pipe used shall be at least four-inch diameter pipe, except that when Vitrified Glazed Clay Sewer Pipe is used, it shall be at least six-inch diameter pipe.

- B. Minnesota Plumbing Code Amendment. All sanitary sewer and water construction and material shall be in accordance with the provisions of the Minnesota Plumbing Code, except as follows: All references to bituminized fiber pipe in said Code are deleted.

- C. Joints and Connections.
 - 1) Cast Iron Soil Pipe. Joints for Cast Iron Pipe shall be made by first inserting a roll of hemp or jute and thoroughly caulking it into place; this shall be followed by pure molten lead well-caulked not less than one inch deep, or by driving into place an approved mechanical joint.

 - 2) Vitrified Glazed Clay Sewer Pipe. In joining Vitrified Glazed Clay Sewer Pipe, the spigot of one pipe shall be carefully centered in the bell of the next pipe. Joints shall be formed by means of a hot poured compound using a preparation of "JC 60" or equal; and applied according to the manufacturer's recommendations. Jointing compound shall be completely resistant to any acid or alkaline condition found in ordinary sewage and shall be immune to attack by any chemicals found in natural soils or by any soil bacteria. Care shall be exercised in placing the runner or snake to assure non-leakage during pouring and it shall not be removed until the compound is sufficiently cooled to be permanently set. Joints may also be formed by means of a cold troweling material using a preparation of "Kalkite", "Sewerite", "Elastic-77" or their equal. The jointing material shall be heated until it has become quite thin, thus causing it to pour freely and

smoothly. The compound shall be poured continuously until the joint is completely filled, leaving no air bubble in the solidified mass. The use of clay pipe joints conforming to A.S.T.M. Specification Designation C425-58T, Types I and III, for joints with materials having resilient properties, will be permitted.

- 3) Extra Strength Unglazed Clay Pipe. The use of Extra Strength Unglazed Clay Pipe conforming to A.S.T.M. Designation C278-60T will be permitted in this construction.
 - 4) Asbestos Cement Sewer Pipe. Joints for Asbestos Cement Sewer Pipe shall be made by use of the manufacturer's joint, which shall include an asbestos cement sleeve, together with rubber rings which shall form a tight and flexible joint.
- D. Grades. Unless otherwise authorized, all house sewers shall have a grade of not less than 1/8 inch per foot. A grade of 1/4 inch per foot should be used wherever practical. The person to whom the permit is issued shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building.
- E. Alignment. No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than forty-five degrees, and no more than two bends, regardless of angle, shall be permitted in any single sewer connection, except where cleanouts are constructed at such points and in manner as directed by the Public Works Director. No connecting sewer shall be laid parallel to any bearing wall or footing unless further distance than three feet from any such bearing wall or footing. No connecting sewer shall be laid within twenty feet of any existing well, excepting manner specifically approved by the Public Works Director.
- F. Trenching and Backfilling. All excavations shall be open-trench work unless otherwise authorized by the Public Works Director. The foundation in the trench shall be formed in such manner as to prevent any subsequent settling of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring joints. Care must be exercised in backfilling below the centerline of the pipe in order to give it proper support. Backfilling shall be placed in layers and solidly tamped or packed up to one foot above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the Public Works Director. All excavation work must be done in such a manner as to protect workmen from cave-ins.

- G. Use of Old House Sewers. Old house sewers or portions thereof may be approved for use by the Public Works Director. The Public Works Director may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any sewer connections. If any portion of a house sewer is laid across or over the existing cesspool or septic tank, such cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a connecting sewer is laid across or over any existing cesspool or septic tank, only Cast Iron Soil Pipe, conforming to the A.S.T.M. Standard Specification A-74-42, shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.
- H. Existing Septic Tanks to be Filled. Upon applying for a permit to connect to the municipal sanitary sewer system, the applicant shall agree when applicable to pump out the contents of any cesspool or septic tank then located on this property and to refill same with noncombustible and non-deteriorating fill to the lot level. The owner or his/her agent shall have such septic tank and/or cesspool completely pumped and filled at the time said sewer connection is completed.
- I. Connections at "Y" Only. Every connecting sewer shall be connected to the municipal sewer system at the "Y" or sewer connection stubs designated for the property served by the connection, except where otherwise expressly authorized by the Public Works Director which authorization shall be in writing. Connections so authorized by the Public Works Director shall be made only under his/her direct supervision and in such manner as he/she may direct.
- J. Tunneling. Tunneling for distances of not more than six feet is permissible in yards, courts or driveways of any building site.
- K. Independent Systems. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building. Where one existing building stands to the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.
- L. Independent Systems-of-Way. No connection to the municipal sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements thereon have been restored to their former condition to the satisfaction of the Public Works Director.

SECTIONS 3.31 THROUGH 3.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 3.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.