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CHAPTER VII - PUBLIC UTILITIES

Section 700 - City water system

700.01. Consent to article.

Every person applying for water service from the city system, and every user of water or owner of property for which such application is made, will be deemed by such application to consent to all the rules, regulations and rates contained in the ordinances of the city, as amended, and all new rules, regulations or rates duly adopted.

700.03. Private water supplies.

No water pipe of the city's water supply system may be connected by any pump, well or tank that is connected with any other source of water supply and when such are found the city administrator will notify the owner of the water supply to immediately disconnect from the city's water supply. If not done immediately, the city will turn off the city's water supply.

700.05. Water deficiency.

The city is not liable to consumers for any deficiency or failure in the supply of water, whether occasioned by shutting water off for the purpose of making repairs or connections, or from any other cause. The city may shut off the water in cases of (1) fire or alarm of fire to ensure a supply for fire fighting; (2) repairs or constructing new works; or, (3) an emergency. The water may be shut off at any time as long as necessary for completion of the project or until the cessation of the emergency.

700.07. Access to buildings.

City officials and employees must have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system for reading of meters and inspections.

700.09. Water service connections.

Subdivision 1. Permit required.

No connection or service tapping will be made with a city service tap or water main without a permit issued by the city upon application by a master plumber.

Subd. 2. Application.

An application for a permit must be made in writing and signed by the owner or owner's agent duly authorized to do the work. The application must state clearly the kind of service for which the connection is intended, the size and kind of pipe to be used, the street and number, which side of the street, if on a corner, on which street to be tapped, with a diagram of the property to be supplied, showing the streets, the boundary, the block on which it is situated, with the distance from the nearest corner, the full name and address of the owner, the purpose for which the water is to be used, and what plumbing work in the premises, if any, has been done by an unlicensed plumber; and the application must show all other particulars necessary to the full understanding of the subject. No permit will authorize anything not stated in the application.

Subd. 3. Permit revocation or suspension.

For any misrepresentation in the permit application the permit may be suspended; and if the misrepresentation appears to be willful, the permit will be revoked.

Subd. 4. Connection size.

Permits must describe the location and size of each connection, and size must not be departed from in any degree. Water connections to the service tap for ordinary domestic supply will be three-quarters inch unless permission of the city is obtained for the desired change.

700.11. Tapping and connection fees and charges.

Subdivision 1. Permit fees.

Before any permit will be issued, the permit applicant must pay a fee for water main tapping or connecting in the amount established by a resolution of the city council and any other sums that may be required under this section.

Subd. 2. Assessment charges.

No permit will be issued to tap or connect with any water main of the city either directly or indirectly from any lot or tract of land unless the city administrator will have certified:

- (a) That such lot or tract of land to be served by such connection or tap has been assessed for the cost of construction of the water main with which the connection is made; or

(b) If no assessment has been levied for such construction cost, that proceedings for levying such assessment have been or will be commenced in due course; or

(c) If no assessment has been levied, and no assessment proceedings will be completed in due course, but a sum equal to the portion of cost of constructing the water main which would be assessable against the lot or tract has been paid to the city.

If no such certificate can be issued by the city administrator, no such permit to tap or connect to any water main will be issued unless the applicant pays an additional connection fee which must be equal to the portion of the cost of construction of the said main which would be assessable against said lot or tract to be served by such tapping or connection. The assessable cost is to be determined by the city administrator upon the same basis as any assessment previously levied against other property for that main.

Subd. 3. Fee disbursement.

Any sum received by the city under subdivision 1 above will be paid into a special suspense account until it is determined by the council whether the property served by the connection under permit will be assessable for any other water main. If it is determined that no other main will be so assessable, then the fee will be credited to the fund for the water main to which the connection was made, but if the tract or lot served by the connection is subsequently assessed for another water main, such sum will be transferred to the fund for said main and credited against the amount assessable against the tract or lot.

700.13. Connections beyond city boundaries.

In all cases where water mains of the city have been or will be extended to or constructed in any road, street, alley or public highway adjacent to or outside the corporate limits of the city, the administrator is authorized to issue permits to the owners or occupants of properties adjacent to, or accessible to, such water mains to tap and make proper water service pipe connections with such water mains of the city in conformity with and subject to all the terms, conditions and provisions of this section relating to the tapping of the city water mains and making water service pipe connections, and to furnish and supply water from the water works system of the city to such owners and occupants of properties adjacent or accessible to such water mains of the city through and by means of water meters duly installed.

Water service rendered to such persons will be subject to all provisions of this section, and persons accepting such service will agree to be bound and obligated by same.

700.15. Excavation permits required.

No person except city personnel and its contractors will excavate in a public street to service a water main, make connection or for any purpose which will expose a water main, unless given a permit to do so by the city in accordance with the provisions of this section, and the filing of a bond in the amount of \$5,000 guaranteeing satisfactory performance of such work.

700.17. Turning on water.

No person will turn on any water supply at the stop box without a permit from the city administrator. No permit will be issued unless the house number, as given by the building inspector, is prominently displayed, and no such permit will be given to anyone but a master plumber. The city reserves the right to turn off any water supply if said number is not displayed after a written notice has been sent to the owner as appearing on its books.

700.19. Supply from one corporation cock or stop box.

No more than one house or building will be supplied from one corporation cock, except by special permission of the city administrator. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building or part of building must have a separate stop box at the property line unless other provisions are made by agreement with the city administrator.

700.21. Repair of leaks.

In case of failure upon the part of any consumer or owner to repair any leak occurring upon their water service pipe within 24 hours after verbal or written notice has been given, the water will be shut off and will not be turned on until the defect is corrected and a sum in the amount established by resolution has been paid. The city may act without such notice to repair or correct an emergency situation resulting from malfunction of the water system.

700.23. Use confined to premises.

No person will permit water from the city water supply system to be used for any purpose except upon their own premises without prior approval of the city.

700.25. Water meters.

(a) Except for extinguishment of fires, or when authorized by special permit from the city administrator and for temporary purposes only, no person will use water from the water supply system of the city, or permit

water to be drawn from it, except the same be metered by passing through a meter supplied or approved by the city.

(b) No person unless authorized by the city administrator will connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or its function.

(c) The council will by resolution fix the charge to be paid by customers for new water meters in original connection installations and payment of such charges will be made before delivery for installation.

(d) Whenever any meter becomes obstructed or out of order, the city will cause it to be repaired. The cost of such repairs must be paid out of the water fund unless the meter had been damaged by freezing or willful neglect by someone outside of the city employ. On request of any customer and payment to the city administrator of a fee in the amount established by resolution, the city will test such water meter. All water meters obtained from the city will remain the property of the city and may be replaced at any time by the city if found to be worn or defective beyond repair. Such replacement will be paid for by the property owner or agent.

(e) No person will damage or knowingly or negligently permit damage to be done to a water meter on their premises or elsewhere. Any person damaging any such meter or knowingly or negligently permitting the same to be damaged must pay all costs of making the required repairs to the meter upon demand by the city.

700.27. Cost of installations borne by consumer.

The cost of original installation of all plumbing between the water service tap and the meter, as well as all repairs to the same, will be borne entirely by the consumer. Such plumbing will be subject to inspection by the city. Any repairs found to be necessary by such representatives must be made promptly or the city will be authorized to discontinue service.

700.29. Fire hydrants.

(a) It will be unlawful for any person, except when authorized by the city administrator, or except members of the city fire, street or water departments performing their official duties, to open or interfere with any of the hydrants or gates of the city water supply system. Such permit will be granted by the city administrator only upon application in writing, subject to such regulations as may be prescribed by the council, upon payment of a deposit fee in the amount established by resolution.

(b) Any person withdrawing water from a fire hydrant or other outlet of the city water supply, except for extinguishment of a fire or other city

purposes, will be obligated to pay the city a fee in the amount established by resolution.

(c) No person will be granted a permit to withdraw water from a hydrant or gate without a meter for a period in excess of 20 days.

(d) Upon return of any equipment furnished by the city and deduction of charges, any balance of the deposit must be returned to the depositor.

(e) In case of withdrawal of water from a hydrant or other outlet without permit the above charge will be in addition to other penalties provided for violation of this section.

700.31. Discontinuance of service.

Water service may be discontinued at any time if:

(a) The owner or occupant of the premises served, or any person working on any pipes or equipment which are connected with the city water supply system, has intentionally violated any of the requirements of this section.

(b) Any charge for water, service, meter, meter parts or any other similar financial obligations imposed on the present or former owner or occupant of the premises served by the provisions of this section is unpaid.

(c) There has been fraud or misrepresentation by the owner or occupant in connection with an application for service.

Water will not be turned off from any service pipe between the hours of 9:00 a.m. on Friday and 9:00 a.m. on the following Monday.

700.33. Water Conservation.

Subdivision 1. Purpose.

The purpose of this section is to promote outdoor water consumption conservation measures, to conserve water resources, and to assist the city in effective utilization of its annual Water Appropriation Permit limits as established by the Minnesota Department of Natural Resources. A reduction in the level of outdoor water consumption demand during peak demand periods will assist in maintaining sufficient amounts of water for fire fighting, and reduce the urgency for the construction of additional storage and wells.

Subd. 2. Definitions.

Irrigate/Irrigation means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation.

Odd/Even Basis means the limitation on Irrigation in relation to calendar dates and odd/even street addresses. If a property's address ends in an even number, Irrigation shall only take place on even numbered days of the week. If the property's address ends in an odd number, Irrigation shall only take place on odd numbered days of the week.

Time of Day Restriction means the certain hours of the day when Irrigation is prohibited.

Subd. 3. Water Conservation Measures.

(a) Time of Day Restriction. In order to conserve water resources and prevent wasteful and harmful effects of Irrigation during the midday hours, no person shall Irrigate using the public water supply between the hours of 10:00 a.m. and 6:00 p.m. on any day of the week from May 1st until September 30th. This Time of Day Restriction applies to established lawns, vegetation, shrubs, trees and gardens and also applies to new sod and seed unless written permission to Irrigate during the restricted times is obtained from the city administrator or his or her designee.

(b) Odd/Even Restriction. To reduce demand on the city's water supply, no person shall Irrigate using the public water supply except on an Odd/Even Basis unless written permission to Irrigate during the restricted days is obtained from the city administrator or his or her designee.

(c) Rainfall Sensors. All commercial, industrial, institutional and residential automatic sprinkling systems shall have rainfall sensors installed in accordance with Minnesota Statutes Section 103G.298, as amended.

Subd. 4. Emergency Reduction Measures.

The city administrator or his or her designee, is authorized to implement additional water conservation measures at such times where water demand exceeds supply capabilities or the public water reserve capacities are insufficient to protect the community. Such emergency reduction measures may include, but are not limited to, changes to the Time of Day Restriction or a complete ban on Irrigation. Notice of such emergency reduction measures may be given by publication, posting, mail or hand-delivered pamphlets.

Subd. 5. Exceptions.

The Water Conservation Measures required by this section do not apply to the following situations:

(a) Hoses that are being hand held by a person;

(b) Playfields and parks owned by the city that contain lawn, grass or turf which requires more frequent watering in order to prevent unreasonable damage;

(c) Properties of commercial or business enterprises whose economic well-being is dependent upon the Irrigation of lawns, grasses, or turf. Written permission must be obtained from the city administrator or his or her designee. The written permission may be subject to certain terms and conditions;

(d) Water toys or sprinklers that are used by children, provided that the children are present and actively playing with the toys or sprinklers; and

(e) Properties that contain new sod or seed, new trees or other new vegetation. Written permission must be obtained from the city administrator or his or her designee.

Subd. 6. Enforcement.

Any person violating the provisions of this section will be guilty of a misdemeanor and upon conviction must be punished in accordance with the provisions in Section 609.03 of Minnesota Statutes.

700.35 Rates and charges.

Subdivision 1. Water rates.

(a) The rate due and payable to the city by each water user within the city for water taken from the city water supply system will be set by resolution of the city council, which may be amended from time to time. In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously.

(b) The owner or contractor must make an application to the city when water is desired for construction purposes and, if for any reason the meter cannot be installed at that time, the charges for the water will be set forth under water rates. When the building is completed the meter will be set in the regular way.

(c) Water bills must be mailed to customers quarterly and must specify the water consumed and the charge in accordance with the established rates, and in addition a penalty of 15 percent will be added to the amount due if not paid within 45 days after the date of the bill. Payments received by mail postmarked on or before the 45th day will be deemed as paid within such period.

(d) Rates due and payable to the city by each water user located beyond the territorial boundaries of the city will be on the same basis as specified in this section plus a percentage to be determined at the discretion of the council.

Subd. 2. Connection charges.

Connection charges for connection with the city water system will be set by resolution of the council for each project.

Subd. 3. Service charges.

(a) Charges will be collected for tapping and making connections with the city water system at the service lead. Such charges will be paid at the time of application for connection in the amount established by resolution of the city council.

(b) In all cases where a connection to a water main is required, the charges will be established by the city administrator and the work will be subject to the supervision and specifications of the city engineer. In each case, a separate bond of \$5,000 will be required to guarantee satisfactory performance.

Subd. 4. Delinquent accounts.

It will be the duty of the city administrator to promptly collect delinquent accounts and in all cases where satisfactory arrangements for payment have not been made, service may be discontinued. All delinquent accounts will be certified by the administrator who will prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served, which assessment roll will be delivered to the city council for adoption on or before October 1 of each year.

Subd. 5. Adjustments.

The city administrator will be authorized to make adjustments in water charges where, in administrator's opinion, the amount billed was erroneous due to meter deficiency or other mistake.

Section 705 – Municipal sewage disposal system

705.01. Compliance with other laws.

All persons must comply with all sewage disposal rules of the applicable waste control agency and all other governmental agencies.

705.03. Inspections.

The city engineer and other duly authorized employees of the city bearing proper credentials and identification will be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this section.

705.05. Damaging sewage works.

No person will maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the municipal sewage works.

705.07. Unauthorized connections or tampering.

No connections will be made with any public sewer except by a plumber licensed by the city. No unauthorized person will uncover, make any connection with or opening into, use, alter or disturb any public sewer or its appurtenance.

705.09. Sewer availability charge (SAC).

Subdivision 1. Sewer availability charge (SAC) established.

Pursuant to the policy and regulations adopted by the metropolitan sewer board to allocate among local government units the debt service costs of unused capacity in the metropolitan sewer disposal system for each year and for the purpose of paying the costs of reserve capacity allocated to the city each year by the metropolitan sewer board, there is established a sewer availability charge (SAC) to pay for:

- (a) The availability of treatment works and interceptors comprising the metropolitan disposal system; and
- (b) Connections, direct and indirect, to the metropolitan disposal system.

Subd. 2. Imposition of SAC charge.

The SAC charge is imposed where connection to a municipal sewer

system is possible.

Subd. 3. Computation of SAC charge.

The SAC charge, which is determined by the Metropolitan Waste Control Commission annually, must be equal to the number of units of sewage volume which the building will discharge. A unit of sewage volume will be sewage discharge up to 100,000 gallons per year and will be assigned as per the schedule prepared by the Metropolitan Waste Control Commission. The number of units assignable to each structure or connection will be computed and the SAC charge collected by the city before issuance of a building or sewer connection permit. If upon filing a report covering such permit with the metropolitan sewer board, the board determines that a greater number of units is assignable to the building or structure in question, any additional amount of cost allocated to the city as a result must be paid by the person or company to whom the permit was granted.

Subd. 4. Delinquent accounts.

The council will certify all unpaid costs described in subdivision 1 to the county auditor who must enter them upon the auditor's tax records as a lien upon such land to be collected in the same manner as other real estate taxes are collected.

705.11. Connection required.

(a) The owners of all houses, buildings or improved properties where public sewer becomes available must connect to said public sewer within 24 months after the sewer has become available.

(b) If the owner of any such property does not connect to the public sewer system on or before the due date, the city administrator, or administrator's designee, will serve a notice on the owner or agent of the owner of such property to connect with the public sewer system within ten days after the service of such notice. Such notice will also state that, in the event of noncompliance, connection will be done by the city at the owner's expense. When no owner or agent of the owner can be found, notice will be sent by registered mail to the person who is listed on the records of the county auditor or county treasurer as the owner. Service will be complete upon mailing.

(c) If such person fails to comply with the notice within ten days after service, the city administrator, or administrator's designee, will have such property connected to the public sewer system. A record showing the cost of such work attributable to each separate lot or parcel will be delivered to the city administrator. Any such cost and expenses will be charged and billed to the owner of such property. If payment is not received within ten

days after such billing to either the owner or agent of the owner, the amount so charged against said lot or parcel of land, together with a description of the premises and the name of the owner will be certified to the county auditor and will be collected in the same manner as taxes and special assessments against said premises. The charge will be a perpetual lien on the premises until paid. No clerical error or informality in such tax bill, or in the proceedings leading up to its issuance, will invalidate or be a defense thereto.

705.13. Property not within city.

Property lying outside of the city may be connected to the municipal sanitary sewer system if there is a proper contract between the city and the municipality containing the building served.

705.15. Sewer connection permits.

Subdivision 1. Permit required.

No authorized person will uncover, make any connection with or opening into, use, alter, or disturb any public sewer or its appurtenance without first obtaining a written sewer connection permit from the city and otherwise complying with the terms of this and other applicable ordinances. Such a permit will be issued only to a plumber licensed by the city.

Subd. 2. Permit application.

Permit applications must state:

- (a) The location and description of the property to be connected;
- (b) The name of the owner;
- (c) The number of buildings and how occupied.

The application must be accompanied by the permit fee and a sketch plan showing the location of the proposed work, the manner in which it is to be done, and such other information as may be required by the city.

Subd. 3. Inspection.

The building inspector must inspect the plan and if the building inspector finds that the work provided for does not conform to the provisions of all city ordinances, or the rules and regulations of the city relating to such work, a permit will not be issued for its construction.

Subd. 4. Connection size and location.

Permits must describe the location and size of each connection, and size must not be departed from in any degree, except on the written consent made on the permit by the building inspector.

Subd. 5. Permit posting.

The city will furnish a red permit card with permit number which must be prominently displayed on property where sewer connection is being made. The card must be displayed for the duration of the work.

Subd. 6. Expiration and renewal.

All sewer connection permits shall expire one year from the date of issuance thereof. An application for an original permit is required upon expiration or for renewal of any permit.

705.17. Connection fees and charges.

Subdivision 1. Permit fees.

The fee for a permit for connection to a city sewer will be as established by resolution. In addition, before any permit will be issued, there will be paid any sum required by resolution and any applicable ordinance, statute or regulation.

Subd. 2. Assessment charges.

No permit will be issued to tap or connect with any sewer of the city either directly or indirectly from any lot or tract of land unless the city administrator will have certified:

- (a) That such lot or tract of land to be served by such connection or tap has been assessed for the cost of construction of the sewer with which the connection is made, and if payment of any assessment was deferred for any reason, that the assessment has been either certified to the county auditor for payment or that the assessment has been added as a part of the regular connection charge established by this section; or
- (b) If no assessment has been levied for such construction cost, that proceedings for levying such assessment have been or will be commenced in due course; or
- (c) If no assessment has been levied, and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said sewer which would be assessable against said lot or tract has been paid to the city.

Subd. 3. Additional connection fee.

If no such certification can be made by the city administrator because no assessment has been levied, or is to be levied, or its equivalent has been paid to the city, no such permit will be issued to tap or connect with any sewer of the city unless the applicant will pay an additional connection fee which will be equal to the portion of the cost of construction of the said main which would be assessable against the lot or tract to be served by such tapping or connection. The assessable cost is to be determined by the city engineer and city assessor as being a benefit received by the property from the sewer, as related to either the same basis as any assessment previously levied against other property for said main, or, if no such assessment has been levied, upon the basis of the assessments levied which may have been, or which will be, charged for similar tapping or connections.

Subd. 4. Fee disbursement.

Any sum received by the city under this section will be credited to the fund for the sewer to which the connection was made, or to any fund, including the general fund, from which amounts have been paid for sewer projects, but if the tract or lot served by the connection is to be subsequently assessed for another lateral sewer, such sum will be transferred to the fund for said sewer and credited against the amount assessable against said tract or lot.

705.19. Connections to public sewer.

The connection of the building sewer into the public sewer must be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer will be made only as directed by the city.

705.21. Inspection and approval before connection to public sewer.

The applicant for a permit to connect to a public sewer must notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection must be made under the supervision of the city and no connection will be covered or used until approval has been given by the city.

705.23. Excavations and street restoration.

Subdivision 1. Safety measures.

All excavations for building sewer installation will be adequately guarded with barricades and lights so as to protect the public from hazard.

Subd. 2. Street restoration.

Streets, sidewalks, parkways and other public property disturbed in the course of the work of making a connection to a public sewer will be restored in a manner satisfactory to the city. All work performed within a public right-of-way will be guaranteed by the contractor for one year from the date of final approval by the city.

705.25. Costs and liabilities.

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

705.27. Separate sewer required for each building; use of old building sewer.

A separate and independent building sewer will, wherever possible, be provided for every building. Any variance must be approved by the city and noted on the permit. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the city to meet all requirements of city ordinances.

705.29 Refilling.

After the sewer pipe is properly laid and has received city approval the refilling must proceed at once. It must be thoroughly tamped or puddled, or both, and so done that there will be no surplus earth left. If there is a deficiency of earth to fill the excavation, the plumber doing the work must supply such deficiency with clean sand or approved material. No rock larger than four inches across or thick may be put into any excavation within two feet of cover that is over pipe.

705.31. Specifications.

Specifications concerning the type and size of pipe, approved slope, fittings, joints, and manner of construction, location and other construction requirements will be established by the city engineer for each project and approved by the city council. Copies of specifications will be made available to owners and applicants for use in constructing the connection. Deviations from specifications may be made only upon approval of the city.

705.33. Collection rates and charges.

Subdivision 1. Charges for collection and treatment.

Rates and charges for the collection and treatment of sanitary sewage will be established and regulated by the council, and the council reserves the right to adjust the rates and charges from time to time. Bills must be mailed to the customers quarterly and must specify the charge in accordance with established rates. A penalty of 15 percent will be added to the amount due if not paid within 45 days after the date of the bill. Payments received by mail postmarked on or before the 45th day will be deemed as paid within such period.

Subd. 2. Delinquent sewer accounts.

It will be the duty of the city administrator to promptly collect delinquent accounts. All delinquent accounts will be certified by the city administrator who will prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. In addition to the charges for collection and treatment and the penalty described in subdivision 1, a penalty of eight percent will be added to the total amount levied on each account to cover the cost of assessment. The assessment roll will be delivered to the council for adoption on or before October 1 each year.

Subd. 3. Collection of charges.

Any amounts due for sewer charges may be collected in an action brought for that purpose in the name of the city, or the city administrator may certify to the county auditor the amounts due for sewer charges, including any penalties unpaid under subsection 710.03, subdivisions 1 and 2, together with the legal description of the premises served, and the county auditor will then enter such amount with the tax levy on the premises collectible with the taxes for the next ensuing year.

Section 710 –Discharge regulations

710.01. Prohibited discharges.

Except as otherwise provided, no person will discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- (b) Any water or waste which may contain more than 100 parts per million, by weight, or fat, oil or grease;
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (d) Any garbage that has not been properly shredded;
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (g) Any waters or wastes containing a toxic or poisonous 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 receiving waters of the sewage treatment plant;
- (h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (j) Any radioactive waste;
- (k) Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage will be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the council. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the council, to a storm sewer, or natural outlet.
- (l) Any substances prohibited by the metropolitan sewer board.

710.03. Interceptors.

(a) Grease, oil and sand interceptors must be provided when necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand and other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All such interceptors will be of a type and capacity approved by the city engineer, and will be located as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors will be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They will be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, will be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors will be maintained by the owner, at owner's expense, in continuously efficient operation at all times.

710.05. Certain wastes require council approval.

The admission into the public sewers of any waters or wastes having any of the following characteristics will be subject to the review and approval of the council:

(a) A five-day biochemical oxygen demand greater than 500 parts per million by weight; or

(b) Containing more than 500 parts per million by weight of suspended solids; or

(c) Containing any quantity of substances having the characteristics described in this section; or

(d) Having an average daily flow greater than two percent of the average daily sewage flow of the municipal sewer system will be subject to the review and the approval of the council.

710.07. Preliminary treatment by owner.

Subdivision 1. Preliminary treatment required.

The owner must provide, at owner's expense, such preliminary treatment as may be necessary to:

(a) Reduce the biochemical oxygen demand to 500 parts per million and the suspended solids to 500 parts per million by weight; or

- (b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in this section; or
- (c) Control the quantities and rates of discharge of such waters or wastes.

Subd. 2. Plans.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities will be submitted for the approval of the council and either the water pollution control commission, or the metropolitan sewer board, or both, whichever is required by law, and no construction of such facilities will be commenced until said approvals are obtained in writing.

Subd. 3. Maintenance.

Where preliminary treatment facilities are provided for any waters or wastes, they will be maintained continuously in satisfactory and effective operation, by the owner at owner's expense.

710.09. Control manhole.

The owner of any property served by a building sewer carrying industrial wastes must install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, must be accessibly and safely located, and will be constructed in accordance with plans approved by the city engineer. The manhole will be installed by the owner at owner's expense, and will be maintained by owner so as to be safe and accessible at all times.

710.11. Special agreements treatment of unusual wastes.

No provision in this section will prevent any special agreement or arrangement between the section and any industrial concern where an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment by the industrial concern.

710.13. Storm water discharge enforcement.

Subdivision 1. Disconnection required.

Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system must disconnect and/or remove same

prior to April 30, 1993. Any disconnects or openings in the sanitary sewer must be closed or repaired in an effective manner as described in subdivision 2 below.

Subd. 2. Discharge pipe requirement.

All sumps must have a discharge pipe installed to the outside wall of the building with at least one-inch inside diameter. The pipe attachment must be a permanent fitting such as PVC pipe with glued fittings. The discharge must extend at least three feet outside of the foundation wall, must be directed toward the front or rear yard area of the property, must NOT be directed to an adjoining property, and may NOT be pumped directly onto any public right-of-way unless approved by the Public Works Director or their designee. No sump pump discharge to the ground surface shall create a hazard or a nuisance including, but not be limited to, ice accumulation on city streets and sidewalks; damaging a city street or sidewalk; creating ponds of standing water or algae; or flowing over an adjoining property. If a storm drain or sump pump collection system exists or is constructed adjacent to the property, the property owner shall, if they so choose, connect the sump pump or building subdrains to the storm sewer system and be charged an inspection fee to ensure proper connection.

Subd. 3. Inspection.

Every person owning improved real estate that discharges into the municipal sanitary sewer system must allow a city employee to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected will immediately become subject to the surcharge provided for in subdivision 4 below. Any property found to violate this section must make the necessary changes to comply with this section and such changes will be verified by a city employee. Each property owner will be charged a fee established by the city council to cover all inspection costs.

Subd. 4. Surcharge.

A surcharge as set forth by the City's fee schedule shall be added to every sewer billing mailed on and after September 1, 1993, to property owners who are not in compliance with this section. The surcharge will be added every month, until the property is in compliance. The imposition of such surcharge will in no way limit the right of the city to seek an injunction in district court ordering the property owner to disconnect the nonconforming connection to the sanitary sewer system or from pursuing other legal remedies available.

Subd. 5. Inspection authorized.

The city reserves the right to inspect such property at least yearly to verify compliance.

Section 715 –Storm water utility charge

715.01. Authority.

Minnesota Statutes Section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities (“charges”). By this section, the city elects to exercise such authority and establish a municipal storm water utility. All fees collected by the city for the storm water utility shall be placed in a fund for storm water management purposes. Revenues shall be used by the city to pay for construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes, Section 444.075.

715.03. Rates and charges.

(a) Every property owner in the city will be charged storm water management fees. It is necessary and desirable to provide a method of recovering the costs of all storm water related activities the city provides. In imposing charges, the city will consider all reasonable and necessary costs incurred by the city as a result of its storm water management plan. Storm water management rate charges for each quarter are established by the fee ordinance as set forth annually by the city.

(b) Storm water management charges will be placed on utility account bills. All storm water management charges shall be payable in the manner established for all utilities.

(c) The city council reserves the right to adjust the rates and charges from time to time. Utility bills shall be mailed to the customers quarterly and shall specify the charge in accordance with established rates. A penalty of 15 percent shall be added to the amount due if not paid with 45 days after the date of the bill.

715.05. Excluded lands.

No charge for system availability or service shall be made against land which is: (i) public street right-of-way; or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

715.07. Supplying information.

The owner, occupant or person in charge of any premises shall supply the city with such information as the city may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this section.

Section 720 – Stormwater illegal discharge and illicit connections to the storm drain system

720.01. Purpose/Objectives.

Subdivision 1. Purpose.

The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the city of Minnetrista through the regulation of non-storm water discharges to the storm drain system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

Subd. 2. Objectives.

The objectives of this section are:

- (a) To regulate the contribution of pollutants to the storm drain system by stormwater discharges by any user;
- (b) To prohibit illicit connections and illegal discharges to the storm drain system; and
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

720.03. Definitions.

The following words and terms, whenever they occur in this section are defined as follows:

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems that are identified and adopted by the city. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Hazardous Material means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a

substantial present or potential hazard to human health or safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this section.

Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

Industrial Activity means an activity subject to NPDES General Stormwater Permit for Industrial Activity as defined in Title 40 of the Code of Federal Regulations, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by Minnesota Pollution Control Agency that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law as either the owner or as the owner's agent.

Pollutant means any substance that, when discharged, has the potential to or does interfere with state-designated water uses; obstructs or causes damage to waters of the state; changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater; adds an unnatural surface film to the water; adversely changes other chemical, biological, thermal, or physical conditions in any surface water or stream channel; degrades the quality of groundwater; or harms human life, aquatic life, terrestrial plant or wildlife. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; pesticides, herbicides, and fertilizers; dredged soil;

incinerator residue; wastewater or wastewater sludge; hazardous substances and wastes and residues that result from constructing a building or structure.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Storm Drain System means publicly-owned facilities by which stormwater is collected or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a premises.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof or as otherwise defined by Minnesota Statutes, Section 115.01, subdivision 22.

720.05. Applicability.

This section shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by the city.

720.07. Responsibility for administration.

The city engineer and his or her authorized representatives are authorized to administer, implement and enforce the provisions of this section.

720.09. Discharge prohibitions.

Subdivision 1. Prohibition of illegal discharges.

No person shall cause any illegal discharge to enter the storm drain system or any surface water unless such discharge:

(a) Is one of the following exempt discharges: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; ground water infiltration to a storm drain; uncontaminated pumped groundwater; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumping; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wetland flows; emptying of dechlorinated swimming pools; and any other water discharge that does not contain a pollutant;

(b) Is associated with firefighting activities or other activities authorized by the city in writing that are necessary to protect public health and safety; or

(c) Consists of non-stormwater that is permitted by a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and further provided that written approval has been granted for any discharge to the storm drain system.

Subdivision 2. Dye testing.

Dye testing is an allowable discharge. Verbal notification to the city at least 48 hours prior to the time of the test is required.

720.11. Illicit connection prohibition.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection. A person is also considered to be in violation of this section if he or she connects a line conveying sewage to the storm drain system or allows such a connection to continue.

720.13. Suspension of storm drain system access.

Subdivision 1. Suspension due to the detection of illegal discharge.

Any person discharging to the storm drain system in violation of this section may have his or her premises' storm drain system access terminated by the city if such termination will abate or reduce the illegal discharge. No person shall reinstate storm drain system access to premises terminated pursuant to this section without the prior approval of the city.

Subd. 2. Emergency suspension.

The city may, without prior notice, suspend storm drain system discharge access to premises when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent and substantial danger to the environment; to the public health or welfare; to the storm drain system; or to waters of the state. The city may take such steps as deemed necessary to prevent or minimize damage to the storm drain system or waters of the state or to minimize danger to the public.

720.15. Industrial activity discharges.

Subdivision 1. Permit compliance.

Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharge to the storm drain system.

Subd. 2. Additional requirements.

All premises that have stormwater discharges associated with industrial activities must adhere to the following requirements:

(a) The owner or operator of an industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or waters of the state through the use of structural and non-structural BMPs; and

(b) The owner or operator of an industrial establishment that may be the source of an illegal discharge may be required by the city to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drain system.

These BMPs shall be part of a SWPPP if necessary for compliance with requirements of the NPDES permit.

Subd. 3. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with the activity, to the extent practicable, shall be deemed as sufficient compliance with the requirements of this section.

720.17. Access to premises related to storm drain discharge.

Subdivision 1. Access.

The city shall be permitted to enter and inspect premises subject to regulation under this section as often as may be necessary to determine compliance with this section. The discharger shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law. Any temporary or permanent obstruction to safe and easy access to the area to be inspected or sampled shall be promptly removed by the discharger at the request of the city and shall not be replaced.

Subd. 2. Inspection alternatives.

If the discharger does not wish to allow the city to enter the premises to conduct the required activity, he or she may retain a private inspector to conduct the activity. The private inspector must have credentials that are acceptable to the city. The private inspector must provide the city with all relevant samples, test results, reports or any other information requested by the city.

Subd. 3. Installation of monitoring equipment and other devices.

The city may require the discharger to install monitoring equipment or other such devices as are necessary in the opinion of the city to conduct monitoring or sampling of the premises stormwater discharge. The monitoring equipment must be maintained by the discharger in a safe and proper operating condition at all times. All devices used to measure stormwater flow and quality must be calibrated to ensure their accuracy.

Subd. 4. Administrative search warrant.

If the city has been refused access to any part of the premises from which stormwater is being discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect, test, examine or sample as part of a routine program designed to verify compliance with this section or any order issued hereunder, or to protect

the overall public health, safety and welfare of the community, then the city may seek issuance of an administrative search warrant from any court of competent jurisdiction.

720.19. Watercourse protection.

Every person owning or occupying premises through which a watercourse passes, shall keep and maintain that part of the watercourse within the premises free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or occupant shall maintain existing privately-owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

720.21. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person must immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the personal or phone notice. If the discharge of prohibited materials emanates from an industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three years.

720.23. Enforcement.

Subdivision 1. Notice of violation.

Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analysis, and reporting;
- (b) The elimination of illicit connections or illegal discharges;

- (c) That violating discharges, practices, or operations must cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected premises; and
- (e) The implementation of source control or treatment BMPs.

Subd. 2. Appeal.

The offending party may appeal the city's notice to the city council. An appeal must be brought in writing no later than 10 days from the date of the notice.

Subd. 3. Abatement.

If abatement of a violation or restoration of affected premises is required, the notice must set forth a deadline within which such remediation or restoration must be completed. Said notice must further advise that, should the offending party fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof may be charged to the violator.

Subd. 4. Payment.

In the event that abatement or restoration work is performed by the city, the city may charge the offending party for its costs and expenses associated with the work. If the bill received for abatement or restoration is not paid within 30 days, the city may draw the amount of the bill from any financial guarantees that the city may be holding or may certify the amount to the county for collection with the property taxes.

Subd. 5. Public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Subd. 6. Penalty.

Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, Section 609.03.

Each additional day that the premises remains in violation of this section shall constitute a separate violation of this section and may be prosecuted accordingly. Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this section, including, but not limited to, seeking a civil injunction or a restraining order.

720.25. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this section are minimum standards. Therefore, this section does not intend or imply that compliance with this section by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants.

720.27. Severability.

The provisions of this section are hereby declared to be severable. If any section, subsection, clause, phrase, word or other portion of this section is, for any reason, held to be unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this section, which remaining portions shall continue in full force and effect.