

CHAPTER 4 WATER AND SEWER

General Provisions

4.101. Water & Sewer Department.

The Water and Sewer Department shall be under the supervision of the City Council. The department shall be responsible for the management, maintenance, care, and operation of the water system and sanitary sewage system of the City.

4.102. Use of Water & Sewer Systems.

Subdivision 1. All structures containing operating plumbing fixtures within the City of Hendricks shall be connected to a water meter and to the water and sanitary sewer systems, provided that a City main is physically accessible to the structure.

Subdivision 2. No person shall install, make, or use any water, sanitary sewer, or storm sewer service connection except in conformance with the provisions of this Chapter.

Subdivision 3. No person shall willfully or negligently break, damage, destroy, uncover, deface, vandalize, or tamper with any water meter, structure, appurtenance, or equipment which is part of the water, sanitary sewer, or storm sewer facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

4.103. Applications for Service.

Subdivision 1. Procedure. Application for water or sewer installation and/or service shall be made to the Clerk-Administrator on forms prescribed and furnished by the City.

Subdivision 2. Fees or Deposits. The applicant shall, at the time of making application, pay to the City the amount of fees required for installation of the service connection as provided in this Chapter. A deposit is required on all new applications for municipal utility service with the deposit amount to be set by the City Council.

4.104. Service Connections.

Subdivision 1. Permits & Fees. No connection shall be made to the City water system or sanitary sewer system without a permit received from the Clerk-Administrator. These fees shall be in addition to any other charges required under this Chapter. The fee for each permit shall be:

- a. \$500.00 for a residential water main connection.
- b. \$700.00 for a commercial water main connection.
- c. \$500.00 for a residential sanitary sewer main connection.
- d. \$700.00 for a commercial sanitary sewer main connection.

- Subdivision 2. Delinquencies. No permit shall be issued to connect with any water, sanitary sewer, or storm sewer main unless the Clerk-Administrator certifies that there are no delinquent or otherwise uncollected general property taxes, assessments, or other charges against the property in question. Should such exist, the applicant shall pay such delinquent or uncollected fees before the Clerk-Administrator shall issue a permit.
- Subdivision 3. Service Lines. When a connection requires installation of a water, sanitary sewer, or storm sewer service line from an existing main to a house, building, or structure, the applicant for a permit shall pay 100% of the cost of such installation, in conformance with the plumbing regulations found in Section 4.204.
- Subdivision 4. Restoration. Upon completion of any work requiring the opening of any street, sidewalk, curb and gutter, or public place, the applicant shall restore the same, including the paving and its foundation, and to as good a condition as formerly.
- Subdivision 5. Inspection and Approval. Work shall be left uncovered and no backfill shall be placed until inspected and approved by the Water and Sewer Department.
- Subdivision 6. Penalties. In instances where work is not performed satisfactorily, the Water and Sewer Department may, after the requirements of Section 4.106. Subdivision 4. have been complied with, discontinue service to the consumer by shutting off the water at the curb stop box. When water service to any premises has been so discontinued, service shall not be restored except upon satisfactory completion of work and payment of a fee of \$25.00.

4.105. New Main Construction.

- Subdivision 1. Repair and Replacement. Half the cost of repair and replacement of existing water, sewer or storm sewer mains shall be paid by the City and the balance assessed to the property benefited thereby according to law. Provided however, the City can pay all cost of such repair and replacement of existing mains by majority vote of all members of the Council.

4.106. Accounting, Billing, Collecting & Shut-Off.

- Subdivision 1. Accounts. All accounts shall be carried in the name of the consumer. The property owner shall be liable for water supplied to his/her property, whether he/she is occupying the property or not, and any unpaid charges shall be collected as delinquent accounts.
- Subdivision 2. Bills for Service. Water and sewer service charges shall be billed together and shall be payable by every user of the water and sewer systems. Bills shall be mailed to the consumers monthly and shall specify the water consumed, and

the sewer and water charges billed at rates set in accordance with resolutions duly approved and authorized by the City Council.

Subdivision 3. Late Fees & Delinquent Accounts.

- a. All charges for water and sewer service shall be due within 14 days of billing. Payments received more than 14 days following the billing date shall be delinquent and shall be charged a late fee in the amount of \$5.00.
- b. Where satisfactory arrangements for payment have not been made, the Water and Sewer Department shall, after the requirements of Section 4.106. Subdivision 4 have been complied with, discontinue service to the delinquent consumer by shutting off the water at the stop box.
- c. The Clerk-Administrator shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The Clerk-Administrator shall certify the amount to the County Auditor for collection in the same manner as other special assessments. In the event the Clerk-Administrator must prepare an assessment roll and the same is certified to the County Auditor, there shall be a charge of \$50.00 added to each delinquent account.

Subdivision 4. Shut-Off of Service.

- a. Water service shall not be shut off under this Chapter until a notice and an opportunity for a hearing have first been given the occupant and/ or owner of the premises involved. The past due notice shall be delivered by first class mail to the party's last known address and shall state that if payment is not made, or compliance carried out, within a period of 30 days from the date of said notice, the water supply to the premises will be shut off.
- b. The notice shall also state that the consumer may, before such date, demand a hearing on the matter, in which case the water supply will not be shut off until after the hearing is held. A hearing on the matter shall be held by the City Council at their next regularly scheduled meeting. If, as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid or that there is no legal reason why the water supply of the consumer may not be shut off in accordance with this Chapter, the City may shut off the supply.
- c. Service shall not be resumed until the provisions of the notice are complied with and payment of a \$50.00 fee is received plus a new utility deposit is submitted.

Subdivision 5. Sewer Users Not Served by City Water. Customers receiving City sanitary sewer service who are served by another water system, including the Brookings-Deuel Rural Water System, are subject to billing for sewer service under this Chapter, which shall take precedence over previous actions of the City Council. Such customers shall provide the City with suitable water meter readings, upon which billings for sewer service shall be calculated. Such customers who use water that is not metered shall install meters in conformance with this Chapter.

Water System

4.201. General Water Regulations.

- Subdivision 1. Supply from One Service. No more than one house or building shall be supplied from one service connection except by permission of the City Council. Whenever two or more parties are supplied from one connection with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter, and shall pay all fees and water charges as if it were served from a separate water service connection.
- Subdivision 2. Turning On Water & Tapping Mains. No person except an authorized City employee shall turn on or turn off any water supply at the curb stop box or tap any distribution main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a City permit.
- Subdivision 3. Repair of Leaks. The consumer shall be responsible for maintaining the water service from the water main into the building served. If he/she fails to repair any leak within 24 hours after notice by the City, the City may shut the water off. The water shall not then be turned on again until the sum of \$25.00 has been paid to the City, plus the cost of the estimated loss of water as determined by the Water and Sewer Department. When the loss of water is great or damage is likely to result from a leak, the City shall shut the water off immediately upon the giving of notice, if repair is not commenced immediately. Upon completion of any work requiring the opening of any street, sidewalk, curb and gutter, or public place the consumer shall restore the same, including the paving and its foundation, to as good a condition as formerly, and in a manner and quality approved by the City Council or its agent, or pay an amount to the City necessary to restore the same to as good a condition as formerly, and in a manner and quality approved by the Water and Sewer Department.
- Subdivision 4. Use of Fire Hydrants. No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City Council. Anyone wishing to obtain water from a fire hydrant for private use shall make application to the City Council for such service, which shall be separately metered by the City and billed to the applicant.
- Subdivision 5. Private Water Supply. No water pipe of the City water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the Water and Sewer Department shall notify the owner to sever the connection and if this is not done immediately, the City shall shut off the water supply forthwith. Before any new connection to the City system is permitted, the Department

shall determine that no cross connection will exist when the new connection is made.

Subdivision 6. Restricted Hours. Whenever the City Council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which City water may be used for sprinkling, irrigation, car washing, air conditioning, or other uses. After publication or announcement of the resolution, no person shall use or permit water to be used in violation of the resolution. Any consumer who does so shall be charged \$10.00 for each day of violation and the charge shall be added to the consumer's next water bill. Continued violation shall be cause for discontinuance of water service.

Subdivision 7. Permitting Use by Others. No person shall permit City water to be used for any purpose except upon his own premises except in emergency and then only if written permission is first obtained from the City.

4.202. Meters.

Subdivision 1. Meters Required. Except for the extinguishments of fires, no person other than an authorized City employee shall use water from the City water supply system or permit water to be drawn there from unless the water first passes through a meter supplied by the City.

Subdivision 2. Installation. The City shall furnish, at no cost to the consumer, a water meter up to 3/4" x 3/4" in size. Meters larger than 3/4" x 3/4" shall also be furnished by the City when required, but the consumer shall pay the difference between the City's cost for a 3/4" x 3/4" meter and the larger meter installed. Any meter not installed by the City shall be inspected and approved by the Water and Sewer Department. The consumer shall furnish all plumbing necessary to install the meter in conformance with the plumbing regulations found in Section 4.204. Subdivision 2.

Subdivision 3. Failure to Install. If the Water and Sewer Department determines that a consumer is using water from the City water supply system without a meter, the City shall give written notice directing the consumer to install a meter in compliance with the provisions of this Chapter. If, within a period of 60 days from the date of said notice, the consumer shall not have complied, the City shall direct a licensed plumbing contractor to complete the installation, the cost shall be added to the consumer's next water bill, and collection shall take place as specified under Section 4.106., Subdivision 3.

Subdivision 4. Meters Property of City. Water meters shall be the property of the City and may be replaced or serviced when deemed necessary. No person not authorized by the Water and Sewer Department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

- Subdivision 5. Maintenance & Replacement. The City shall maintain, repair, and replace at its expense any meter up to 3/4" x 3/4" in size that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Meters larger than 3/4" x 3/4" shall also be maintained, repaired, and replaced by the City when required, but the consumer shall pay the difference between the City's cost for a 3/4" x 3/4" meter and that of the larger meter. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, all City expenses caused thereby shall be a charge against and collected from the consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.
- Subdivision 6. Complaints & Meter Testing. When a consumer complains that the bill for any past service period is excessive, the City shall have the meter re-read on request. If the consumer remains dissatisfied, he/she may, with written request and payment of a \$5.00 deposit, have the meter tested. If, upon testing, the meter registers less than 98% accuracy the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one monthly service period from the date of the written request.
- Subdivision 7. Meter Reading & Inspection. The consumer shall be responsible for reading his/her water meter on or about the first day of each month, and shall forward the reading to the Clerk-Administrator in a manner prescribed by the City. In the event the consumer does not forward the reading to the Clerk-Administrator by the date requested by said Clerk, there shall be additional charge(s) for estimating said water reading according to the following schedule: First month of estimating \$5.00, 2nd consecutive month of estimating \$25.00, 3rd consecutive month of estimating \$25.00. 4th consecutive month of estimating \$50.00 plus authorized meter readers must be allowed on the premise to read the meter. If they are not allowed to read the meter, the water service will be discontinued. Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections. These charges will be added to the city utility bill each month.
- Subdivision 8. Inoperative Meters. Should a meter become inoperative during any month, the amount the consumer shall pay for water service for that month shall be the same amount as the average of the three preceding months. The City shall immediately replace inoperative meters.

4.203. Curb Stop Boxes.

- Subdivision 1. Curb Stop Boxes Required. A working curb stop box is required as a part of every water service.

- Subdivision 2. Installation. The City shall furnish, at no cost to the consumer, a curb stop box of a size suitable to the service line. Any curb stop box not installed by the City shall be inspected and approved by the Water and Sewer Department. Curb stop boxes shall be installed in conformance with the plumbing regulations found in Section 4.204., Subdivision 3.
- Subdivision 3. Failure to Install. If the Water and Sewer Department determines that a consumer is using water from the City water supply system without a curb stop box, the City shall give written notice directing the consumer to install a curb stop box in compliance with the provisions of this Chapter. If, within a period of 60 days from the date of said notice, the consumer shall not have complied, the City shall direct a licensed contractor to complete the installation, the cost shall be added to the consumer's next water bill, and collection shall take place as specified under Section 4.106., Subdivision 3.
- Subdivision 4. Curb Stop Boxes Property of City. Curb stop boxes shall be the property of the City and may be replaced or serviced when deemed necessary. No person not authorized by the Water and Sewer Department shall connect, disconnect, take apart, or in any manner change or interfere with any such curb stop box or its use.
- Subdivision 5. Replacement. Where replacement is necessary, the City shall provide a new curb stop box at no expense to the consumer. The consumer shall be responsible for the proper installation of a replacement curb stop box. Failure to do so shall be dealt with in the same manner as noted in Section 4.203., Subdivision 3. Authorized city employees shall have free access at reasonable hours of the day to the premises in order to make inspections of curb stop boxes.

4.204. Plumbing Regulations.

- Subdivision 1. Water Service Lines.
- a. Every water service line shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The water service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stopcock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing.
 - b. All services shall be either of copper or PVC meeting applicable plumbing code specifications.
 - c. Water service lines shall be a minimum of 3/4 of an inch in size to the meter. There shall be no joints between the water main and the curb box, and the water service line shall be left uncovered until inspected and approved by the Water and Sewer Department.

- Subdivision 2. Water Meter Placement. Every water meter shall be placed above the basement floor if possible and shall be located in a protected and accessible location approved by the Water and Sewer Department. The meter shall be placed at least 12 inches above the floor and shall be rigidly supported with a permanent support in order to prevent the meter from vibrating when water is passing through. Each meter installation shall have a stop and waste valve on the street side of the meter.
- Subdivision 3. Location of Curb Stop Boxes. Curb stop boxes shall be installed generally where desired by the property owner, but they shall be placed within the boulevard if on a street, or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of seven feet below the established grade and shall be left in an accurate vertical position when backfilling is completed.
- Subdivision 4. Violation. If a consumer shall fail to comply with the plumbing regulations set forth in this section the Water and Sewer Department may, after the requirements of Section 4.106., Subdivision 4. have been complied with, discontinue service to the consumer by shutting off the water at the stop box. Service shall not be restored until said regulations are complied with and work has been approved by the Water and Sewer Department.

4.205. Water Rates.

- Subdivision 1. Water Use Charge. Each consumer receiving water service, as evidenced by the existence of a water service connection, shall pay to the City a water use charge each month during which water service is furnished, at rates duly passed and authorized by resolution of the City Council. If water service is discontinued for any reason, the consumer shall still be required to pay the monthly minimum water charge.

Water rates. The following water rates shall be in effect
August 1st, 2016:

First 1000 gallons	\$12.00 minimum charge
Over 1000 gallons	\$4.75 per thousand gallons

- Subdivision 2. Water Fund. All revenues derived from charges imposed under this section shall be credited to the Water Fund.
- Subdivision 3. Water Shut off at the Curb Stop: No Water Use Charge will be billed to property owners with water service if:
1. The property owner notifies the City to shut off the water at the curb stop and pays a \$75.00 disconnect fee; and

2. For property owners with bare lots, any sewer line to the lot is capped. If the sewer line is PVC, it shall be capped at the point the line is interrupted. If the sewer line is constructed of material other than PVC, the line shall be capped underground at the curb stop. All work shall be performed at the property owner's expense.

The City will charge the property owner \$75.00 to reconnect the water and sewer service after the charges have been suspended under this subdivision.

3. For property owners leaving the City during winter months (snowbirds) that have legitimate concern over freezing pipe damage: When requested by the resident, the City will shut the water off at the curb stop and continue billing the minimum monthly charges with no additional fees.

Sanitary Sewer System

4.301. Use of Public Sewers Required.

Subdivision 1. Connection Required. Within one year of receiving written notice from the City, the owners of all properties which are physically accessible to a public sanitary sewer collection system shall install a suitable service connection, at their own expense and in accordance with the provisions of this Chapter.

Subdivision 2. Failure to Install. In the event an owner shall fail to connect to a public sewer in compliance with a written notice given under this Chapter, the City will have said connection made and shall assess the cost against the benefited property and collected in the same manner as other special assessments, under terms set by the City Council.

Subdivision 3. Construction. Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater

4.302. Private Wastewater Disposal.

Subdivision 1. Private Systems. When a public sewer is not available under the provisions of Section 4.301., the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

Subdivision 2. Permit Required. Before construction of a private wastewater disposal system, the owner shall obtain a written permit signed by the Water and Sewer Department. The permit shall not become effective until the installation is completed to the Water and Sewer Department's satisfaction. The applicant for the permit shall give notification when ready for the system's final inspection and work shall be left uncovered and no backfill shall be placed until inspected and approved by the Water and Sewer Department.

Subdivision 3. Compliance. The type, capacities, location, layout, and maintenance of a private wastewater disposal system shall comply with all requirements of

Minnesota Rules Chapter 7080 (as amended from time to time), and applicable local and county ordinances.

Subdivision 4. Inspection and Approval.

- a. Any private wastewater disposal system must be inspected and approved by a licensed inspector.
- b. No parcel upon which a private wastewater disposal system is located or proposed to be located shall be granted a building permit by the City of Hendricks for construction, expansion, or improvement unless the system is in compliance with individual sewage treatment system requirements, as evidenced by a certificate of compliance issued by a licensed inspector or site evaluator or designer.
- c. Any private wastewater disposal system which does not pass inspection, shall, within 90 days, be brought up to compliance with the requirements of Section 4.302., Subdivision 3. Failure to comply shall be handled under the provisions of Section 4.301., Subdivision 2.

Subdivision 5. Maintenance. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times and at no expense to the City.

Subdivision 6. Public Sewer Available. When the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within one year in compliance with this Chapter and within one year private wastewater disposal systems will be cleaned of all sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Subdivision 7. No statement contained in section 4.302. shall be construed to interfere with any additional requirements that may be imposed by the Minnesota Pollution Control Agency, the State Department of Health, or other responsible federal, state, or local agencies.

4.303. Building Sewers & Connections Design.

Subdivision 1. Permit Required. No person shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a written permit from the City, as specified in Section 4.101. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

Subdivision 2. Capacity. Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD5, and TSS as determined by the Water and Sewer Department.

Subdivision 3. Construction Standards.

- a. A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this Chapter.
- b. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.
- c. No sanitary sewer shall be laid parallel to or within three feet (3') of any bearing wall that might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.
- d. The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing code and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No.9. All such connections shall be made gas- and water-tight, and verified by proper testing to prevent infiltration and inflow.

4.304. Maintenance & Repair.

- Subdivision 1. Responsibility. The owner shall be responsible for maintaining and repairing the building sewer from the public sewer into the building served.
- Subdivision 2. Obstructing Flow. No person shall permit any substance or matter, which may form a deposit or obstruction of flow, to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the City with written notice.
- Subdivision 3. Failure to Repair. If, within a period of 60 days from the date of said notice, the owner shall not have made necessary repairs as directed by the City, the City shall direct a licensed contractor to complete the repairs, the cost shall be added to the consumer's next water bill, and collection shall take place as specified under Section 4.106., Subdivision 3.
- Subdivision 4. Restoration. Upon completion of any work requiring the opening of any street, sidewalk, curb and gutter, or public place the consumer shall restore the same, including the paving and its foundation, to as good a condition as formerly, and in a manner and quality approved by the City Council or its agent, or pay an amount to the City necessary to restore the same to as good a condition as formerly, and in a manner and quality approved by the Water and Sewer Department.

4.305. Sewer Rates.

- Subdivision 1. Established. Each user receiving sewer service, as evidenced by the existence

of a sewer service connection, shall pay for sewer service at the same time and in the same manner as is specified in this Chapter for the payment of water service. If sewer or water service is discontinued for any reason, the user shall still be required to pay the monthly minimum sewer charge.

Sewer rates. The following sewer rates shall be in effect August 1st 2016 and shall be based on the water meter reading:

First 1000 gallons	\$12.00 minimum charge
Over 1000 gallons	\$4.75 per thousand gallons

Subdivision 2. Sewer Fund. All revenues derived from charges imposed under this section shall be credited to the Sewer Fund. Said revenues will be used for annual operation, maintenance, replacement, and capital costs.

4.306. Surface Water, Ground Water, Sump Pumps, etc.

Subdivision 1. Discharge or Connection with Sanitary Sewer Prohibited. During the period from March 15 through November 15, no person (including any individual, firm, company, municipality, private corporation, association, society, institution, enterprise, governmental agency, or other entity) shall allow or enable the discharge or potential discharge of any storm water, surface water, ground water, roof runoff, non-contact cooling water, or unpolluted industrial process water into the municipal sanitary sewer system.

In addition, no person shall allow the connection of any rain spouts, sump pumps, foundation drainage, or other forms of surface water drainage with the municipal sanitary sewer system. The presence of any such connection shall be a violation of this section.

Subdivision 2. Discharge or Connection Into Storm Sewer System. During the period from March 15 through November 15, discharge of water described in 4.306., Subdivision 1. shall be permitted into the municipal storm sewer system.

Subdivision 3. Compliance. Where the violation or potential for violation of this section exists, persons shall be in compliance if a physical means for flow into the storm sewer system is clearly and consistently visible or in operation.

Subdivision 4. Penalty. Violation of this section shall be a misdemeanor and shall be subject to a civil penalty of \$50.00 per day. Said penalty shall be applied in addition to any other water or sewer charge described in this Chapter, and shall be due and payable at the same time as regular sewer and water charges. Delinquent penalties shall be collected by assessment roll at the same time and in the same manner as delinquent water and sewer accounts.

Subdivision 5. **Other Violations.** It shall also be a violation of this section, at any time during the year, to construct, install, or continue in operation a connection allowing the flow of any form of water described in 4.306., Subdivision 1. into the municipal sanitary sewer system without an alternative physical means for flow into the storm sewer being present and functional.

Organized Collection of Solid Waste

4.401 Organized Collection. The City of Hendricks shall periodically contract with one or more licensed solid waste collection companies for the organized collection and disposal of garbage in the City of Hendricks. The terms of that contract shall supplement Chapter 4 of the Hendricks City Code and be enforceable, as applicable, in the City of Hendricks. Lincoln County currently contracts for collection of recyclable materials county wide, but if at some point organize collection of recyclables was not provided, the City will contract for collection of recyclables as well as garbage.

4.402 Definitions. The terms used in this ordinance that are defined in Minnesota Statutes Section 115A.03 shall have the meaning set out in that section as amended from time to time.

4.403 Recycling Encouraged. City Residents are encouraged to recycle all recyclable solid waste materials. The City shall, pursuant to Minnesota Statutes Section 115A.94 subd. 3(b), exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

4.404 Participation Mandatory. All residents in the City of Hendricks shall participate in organized solid waste collection and will be billed according to a fee schedule established by the City Council. All persons paying for organized collection will receive a garbage collection receptacle consistent with the available service they request, participate in the bag collection program, or obtain a dumpster or other acceptable container from the City's solid waste contractor.

4.405 Commercial Customers. Commercial property owners in the City of Hendricks are not required to participate in organized solid waste collection. Commercial Property owners may participate in organized collection, contract directly with the City's solid waste contractor, or contract with another solid waste contractor or specialized waste collector for solid waste disposal. Provided, however, that each business and business owner in the City of Hendricks is responsible for the proper disposal of solid waste generated at his/her/its business.

4.406 Exceptions from Mandatory Garbage Collection. If a residential property is vacant either temporarily or permanently, and if the homeowner requests that the City shut off the water to that property, and is no longer being billed for water and sewer services, that property owner may also request to be excluded from the mandatory solid waste collection service and fees for the vacant property. Upon verification by the City that the property is not occupied and that

waste is not being generated at the property, the City Administrator may exempt that property from mandatory solid waste collection and suspend billing for solid waste collection. Resuming participation in organized solid waste collection is required as a condition of restoring water service to the property and is required prior to property being occupied as a residence.

In addition to adding the foregoing provisions to Chapter 4 of the Hendricks City Code, Chapter 4 of the Hendricks City Code shall be renamed to be “Water, Sewer and Solid Waste.”