

TITLE IX.

WATER, GARBAGE AND SEWER SERVICE

(Source: Ord. 2009-7)

CHAPTERS:

9-01. Water and Garbage Service.

9-02. Sewer Service.

9-03. Fire Protection Services. (Source: Ord. 2024-41, Sec. 1)

CHAPTER 9-01

WATER AND GARBAGE SERVICE

(Source: Ord. 2009-7, Sec. 1)

SECTIONS:

- 9-0101. Water and Sewer Service Connection, Repairs and Rates for Water and Sewer. (Ord. 2009-9, Sec. 1)
- 9-0102. Water Service Connection - Permit Required.
- 9-0103. Water Service Connection - Who May Make - Cost.
- 9-0104. Water Service - Construction and Maintenance by Owner.
- 9-0105. Curb Cocks.
- 9-0106. Water Meters Required.
- 9-0107. Water Rates and Charges - Liability For.
- 9-0108. Garbage Service.
- 9-0109. Penalty.

9-0101. WATER AND SEWER SERVICE CONNECTION, REPAIRS AND RATES FOR WATER AND SEWER. The City Council of the City of Harwood shall, by resolution, establish the procedure and cost for connection to water and sewer lines in the City of Harwood, set the monthly charges for water and sewer service, and set out the City's and customer's responsibilities for repairs to water and sewer lines.

Source: Ord. 2009-9, Sec. 1 (2009)

9-0102. WATER SERVICE CONNECTION - PERMIT REQUIRED. Plumbers shall first secure a permit from the City before making any connection with a main, and no plumber or other person shall make any attachment or connection to a main to serve premises other than the premises describe described in the permit.

1. No permit shall be issued for the making of any connection between any water or sewer lines in any property which has not previously been benefitted by existing water and/or sewer lines, or whenever the owner of such property has not been assessed for such water and sewer facilities, unless and until such person shall have paid or made a written agreement with the City to pay in monthly installments within a maximum of five years an amount of money as may be thereafter determined by the City Council. Such amount shall be based upon the area served and the benefit resulting to the property involved. Within thirty (30) days from the date of receipt of such application, the City Council shall determine the amount of money required to be paid before such connection shall be made and shall advise the applicant property owner of such determination. All such monies paid in and received pursuant to the provisions of this subsection shall be placed in the water and sewer utility fund and shall be expended in accordance with the purpose of such fund.

2. No permit shall be issued for the making of any connection between any water main of the City and any property of which any special water main assessment taxes are delinquent.
3. No connection shall be made except under the direct supervision of the Water Superintendent.
4. Any connection made without prior inspection by the Water Superintendent shall be subject to excavation.

9-0103. WATER SERVICE CONNECTION - WHO MAY MAKE - COST. All taps or connections to the water mains shall be made under the supervision of the Water Superintendent. The fee for such taps shall be established by resolution of the City Council and all taps shall be paid for before made. Should a tap be made without the supervision of the Water Superintendent, the City Council will impose a fine established by resolution of the City Council and excavation will be necessary to expose the tap for inspection by the Water Superintendent.

9-0104. WATER SERVICE - CONSTRUCTION AND MAINTENANCE BY OWNER. The cost of original installation of all plumbing between the main and any service devices maintained by the consumer and all extensions made to such plumbing, as well as repairs, shall be borne entirely by the consumer, although such plumbing and services as well as the meters shall at all reasonable times be subject to inspection by duly authorized representatives of the City. Any repairs found to be necessary by such representatives shall be made promptly, or the City will discontinue service.

All services shall be constructed by licensed plumbers at the owner's expense, and each service shall be maintained by the owner. Services heretofore acquired by the issuance of special assessment warrants and assessed against the property, or which may be acquired in the future in like manner, shall likewise be maintained by the owner. Services means the service line running from the point of connection with the City main to owner's premises.

9-0105. CURB COCKS. There shall be a curb cock in every service line attached to the water mains, the same to be placed as near as possible to the curb if on a street, or within one (1) foot of the alley line if the main is located in the alley. Curb cocks shall be supplied with strong suitable "T" handles and shall be enclosed in a substantial iron case covered with a tight fitting iron lid with the letter "W" cast upon it. There shall be one or more stops and waste cocks attached to every supply pipe at some point between the curb cock and the meter so that the water can be shut off and the meter and the house plumbing entirely drained. There shall be another such stop and waste cock in the pipe on the house side of the meter.

9-0106. WATER METERS REQUIRED.

1. No person, firm or corporation shall take water from the water mains of the City except when drawn through a water meter as provided herein.
2. Meters for residences shall be furnished by the City at no charge to the customer. Each separate residence shall also require a remote reader and the installation and cost of said remote reader shall be paid by the owner. The Water Superintendent

shall inspect all residential installations. No installations shall be made except under the direct supervision of the Water Superintendent. Any installation made without prior inspection by the Water Superintendent shall be subject to removal and fine.

3. All commercial and industrial water users shall purchase and install their own meters. The Water Superintendent shall inspect all such installations.

9-0107. WATER RATES AND CHARGES -- LIABILITY FOR.

1. Owners of premises where water is supplied shall notify the City when a tenant moves from his premises, and such notification shall be made prior to the date of moving. In the event any said tenant moves from said premises to other premises in the City, and is there supplied with water, he shall be liable for the water used at his former residence up to the time of moving, and the Water Superintendent shall take such measures to enforce the collection of such water bills as are provided for in the case of non-payment of other water bills. In the event any said tenant moves away from the City or moves to some place within the City where he is not directly supplied by the City with water and refuses or neglects to pay said bills within fifteen (15) days after notice thereof, then and in that event the owner of the property for which said bill was rendered shall be liable for the same, and the Water Superintendent shall take such measures to enforce collection of such water bill as are provided for in the case of non-payment of other water bills.
2. The owner or owners of all real property in the City furnished with water service or service line repairs shall be responsible for the payment of any and all such charges regardless of who the occupant or tenant of any property may be. Upon the request of the owner or owners, the Water Superintendent shall bill the occupant or tenant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners shall be responsible for such charges.

9-0108. GARBAGE SERVICE. Any person with water service requesting not to have garbage picked up at the water connected address should notify the City Auditor, at which time the City Auditor will notify the waste company hired not to pick up any garbage from the person requesting this said item.

Any person with water service with no garbage pick up will be responsible for the removal of any garbage without use of the City dumpsters or another resident's curbside pick up place.

9-0109. PENALTY. A violation of this chapter may be punishable as an infraction as set forth in Section 1-0211 of these ordinances.

CHAPTER 9-02

SEWER SERVICE

(Source: Ord. 2009-7, Sec. 2)

SECTIONS:

- 9-0201. Definitions.
- 9-0202. Sanitary Sewers, Building Sewers and Connections.
- 9-0203. Use of Public Sewers.
- 9-0204. Prohibitions and Limitations on Wastewater Discharges.
- 9-0205. Connections. Source: Ord. 2025-43, Sec. 8
- 9-0206. Protection from Damage.
- 9-0207. Penalties.
- 9-0208. Savings Clause - Conflict.
- 9-0209. Prohibited Connections to Sewer System - Inspection and Surcharge Authority - Waiver Provisions.

9-0201. **DEFINITIONS.** The following words, terms and phrases are hereby defined and shall be interpreted as such throughout this chapter. Terms not herein defined shall have the meaning customarily assigned to them:

1. “Control authority” shall mean the Public Works Director of the City of Harwood or his duly authorized deputy, agent or representative.
2. “BOD (biochemical oxygen demand)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20E Celsius expressed in milligrams per liter.
3. “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
4. “Building sewer (also house connection or service sewer)” shall mean the extension from the building drain to the public sewer or other place of disposal.
5. “City” shall mean the City of Harwood, a municipal corporation of the State of North Dakota.
6. “Clean Water Act” shall mean the Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, including the amendments made by the Clean Water Act of 1977, Public Law 95-217 and any amendments hereafter adopted.
7. “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

8. “Commercial” or “institutional users” shall mean all nonresidential users which introduce only sanitary sewage or primarily segregated domestic wastes into a building sewer.
9. “Director” shall mean the Public Works Director of the City of Harwood, or his authorized deputy, agent or representative.
10. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
11. “Floating oil” shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pre-treated and the wastewater does not interfere with the wastewater facilities.
12. “Garbage” shall mean the putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
13. “Industrial cost recovery” shall mean recovery by the City of Harwood from the industrial users of the Harwood wastewater treatment system of the amount of federal grant money used for the purpose of constructing wastewater facilities allocable to the transportation and treatment of waste from such users.
14. “Industrial cost recovery period” shall mean a period of 30 years starting at the time of receipt of federal grant money used for the purpose of constructing wastewater facilities during which the grant allocable to the treatment of waste from industrial users is recovered from the industrial users of such facilities.
15. “Industrial user” shall mean any nondomestic source regulated under section 307(b), (c) or (d) of the Clean Water Act that introduces pollutants into the City’s wastewater treatment works.
16. “Interference” shall mean inhibition or disruption of the sewage works, treatment process, or operations which cause or significantly contribute to the violation of the requirements of other agencies having jurisdiction over discharges to the receiving waters. This term also includes contamination of municipal sludge.
17. “Industrial waste” shall mean waste discharged from an industrial user.
18. “Letter of intent” shall mean notification from an industrial user to the City of Harwood of that user’s intent to utilize a publicly owned treatment facility for a given period of time.
19. “Natural outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

20. “May” is permissive. (See “Shall”).
21. “Minor industrial users” shall mean an industrial user not classified as a significant industrial user.
22. “Categorical Pretreatment Standard” or “Categorical Standard.” Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
23. “National Pretreatment Standard”, “Pretreatment Standard”, or “Standard” shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Section 403.5.
24. “Existing Source” shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
25. “Interference” shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and 2) therefore is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
26. “New Source” shall mean:
 - (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility or installation is constructed at a site which no other source is located; or

- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment, or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- 27. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, minitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).
- 28. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater

prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by the process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

29. “Pretreatment Requirement” shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
30. “Toxic Pollutant” shall mean one of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
31. “Owner” or “occupant” shall mean the persons using the lot, parcel of land, building or premises connected to and discharging sewage into the sewage system of the city, and who pays or is legally responsible for the payment of water rates or charges made against the said lot, parcel of land, building or premises, if connected to the sewage system, or who would pay or be legally responsible for such payments.
32. “Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
33. “Person” shall mean any individual, firm, company, association, governmental agency, society, corporation, group or political subdivision.
34. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams contained in one liter of solution.
35. “Premises” shall mean all the parcels or land included in the city in a single assessor’s parcel number.
36. “POTW” shall mean publicly owned treatment works or POTW shall mean a treatment works as defined by Section 212 f the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It is also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
37. “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (one and twenty-seven hundredths (1.27) centimeters) in any dimension.

38. “Public sewer” shall mean a sewer in publicly owned land or easements and controlled by the City of Harwood.
39. “Reserve capacity” shall mean the unused portion of the Fargo Wastewater Treatment Plant capacity that has or will be formally set aside for use by a specific industry, and is so identified by a formal, binding agreement. The reserve capacity shall be subject to industrial cost recovery.
40. “Sewage”: See “Wastewater.”
41. “Sewage Treatment Plant (also wastewater facilities)” shall mean all facilities for collecting, pumping, transporting, treating and disposing of sewage.
42. “Sewer” shall mean a pipe or conduit for carrying sewage.
43. “Sewer use charge” shall mean a monthly charge to all users of the wastewater facilities which is based on sewage volume, strength and/or flow.
44. “Shall” is mandatory. (See “May”).
45. “Significant Industrial User (SIU)”:
- (1) Any industrial user subject to Categorical Pretreatment Standards; or
 - (2)
 - (a) Any other industrial user that discharges an average of 25,000 gallons per day or more process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
 - (b) contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
46. “Significant noncompliance” shall mean that an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant

parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
 - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports; and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance;
 - (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
47. "Slug" shall mean any discharge of water, sewage, or industrial waste in which concentration of any given constituents or in which quality of flows exceed for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.
48. "State" shall mean the state of North Dakota.
49. "Storm drain (also storm sewer)" shall mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and industrial wastes other than uncontaminated cooling water.
50. "Total Suspended solids (TSS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

- 51. “Wastewater (also sewage)” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and stormwater that may be present.
- 52. “Wastewater superintendent” shall mean the Public Works Director of the City of Harwood or his authorized deputy, agent or representative.
- 53. “Water superintendent” shall mean the Public Works Director of the City of Harwood or his authorized deputy, agent or representative.
- 54. “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

9-0202. SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.
- B. There shall be two classes of building sewer permits:
 - 1. For residential and commercial service, and
 - 2. For service to establishments producing industrial wastes. In either case, the owner, or his agent, shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee shall be paid to the City at the time the application is filed. The amount of such fee shall be established by resolution of the City Council.
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director to meet all requirements of this ordinance.

- F. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of suitable code provisions set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to tile 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, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Director and the North Dakota State Department of Health.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the director before installation.
- J. The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the director or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

9-0203. USE OF PUBLIC SEWERS.

- A. Materials prohibited in sewers. No person shall discharge or cause to be discharged to any public sewer any materials which may cause interference with the operation or performance of the treatment works, or which may pass through such treatment works so as to cause the treatment works to violate the terms of its discharge permit or provisions of federal, state or local laws. No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

- (a) Any waters or wastes containing toxic or poisonous solids, liquors gasses in sufficient quantity (either singly or in interaction with other wastes), to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. No person shall discharge any liquid waste into the sewage system containing materials in excess of the following concentrations, or in the case of pH levels, containing a pH level less than 5 or greater than 12.5:

<u>Pollutant</u>	<u>Concentration</u>
Arsenic (As)	2.8 mg/l
Benzene	0.05 mg/l
BETX	0.75 mg/l
Cadmium (Cd)	0.20 mg/l
Chromium (III)	5.86 mg/l
Chromium (VI)	0.65 mg/l
Copper (Cu)	2.82 mg/l
Chromium (Total)	5.57 mg/l
Lead (Pb)	1.6 mg/l
Mercury (Hg)	0.001 mg/l
Nickel (Ni)	5.6 mg/l
pH	5 to 12.5
Selenium (Se)	0.26 mg/l
Silver (Ag)	2.0 mg/l
Zinc (Zn)	18.17 mg/l

Concentrations apply at the point of discharge to the City collection system. BETX shall be measured as the sum of benzene, ethylbenzene, toluene, and xylenes.

Total SIU BOD mass loading at the wastewater treatment plant headworks shall not exceed 7,353 pounds per day. Total SUI TSS mass loading at the wastewater treatment plant headworks shall not exceed 4,825 pounds per day.

Where an industrial user is subject to categorical pretreatment standard(s) that control pollutants not enumerated above, or contain limitations that are more stringent than indicated above, the industrial user is subject to the requirements of the categorical pretreatment standard(s). Under no circumstances shall the industrial user achieve compliance with the above limitations or categorical pretreatment standards by diluting its industrial waste with tap water, unpolluted water, sanitary sewage, or any other liquid diluent.

B. Industrial waste permit.

1. No significant industrial user shall discharge wastewater to the public sewers without having a valid industrial waste permit issued by the director. A permit may be required for any industrial user as deemed necessary by the director.
2. Industrial users shall comply fully with the terms of their permits in addition to the provisions of this chapter. Violation of a permit condition is deemed a violation of this chapter.
3. All significant industrial users shall apply for an industrial waste permit within 30 days after the effective date of this provision. Other persons proposing to connect to the sewer system and determined by the director as requiring an industrial waste permit shall apply at least 90 days prior to commencing discharges to the public sewer. All permittees shall reapply for a new permit between 90 and 180 days prior to the expiration of the old permit.
4. All applications shall be in the form prescribed by the director. The application shall submit, in units and terms suitable for evaluation, all information requested in the application form any relevant supplemental information requested by the director.
5. An applicant or permittee shall notify the director of any new or increased contribution of pollutants or changes in the nature of pollutants not indicated in the permit application.
6. Industrial waste permits shall include, but not be limited to, the following terms:
 - a. Prohibitions on discharge of certain materials, determined by the director.
 - b. Notice of the general and specific prohibitions.
 - c. Notice of applicable national categorical pretreatment standards, effective under section (3).
 - d. Requirements for installation of treatment technology necessary to achieve compliance with the requirements of this chapter including, but not limited to, that which may be required by the director. (The design and installation of such technology shall be subject to the review, inspection, and approval of the director, and is also subject to the requirements of all applicable codes, ordinances, and laws).
 - e. Compliance schedules as per section (3).

- f. Monitoring, sampling, record keeping, reporting, notice, control manhole, and measuring requirements specified.
 - g. Special requirements regarding unusual strength sewage as per agreement.
 - h. Requirements for additional payments.
 - i. Other conditions necessary to carry out the requirements of this division and applicable federal and state laws and regulations.
- 7. Permits are valid for five years from date of issuance of permit modification, whichever is later, unless revoked.
- 8. Permits are not transferable.
- 9. Permits may be modified for just cause upon 30 days notice. Just cause shall include, but not be limited to:
 - a. Promulgation of a new applicable national categorical pretreatment standard;
 - b. Changes in the requirements of this ordinance;
 - c. Changes in the processes used by the permittee or changes in discharge volume or character;
 - d. Changes in design or capability or receiving sewage treatment plant.
- 10. Permits may be revoked for just cause including, but not limited to, violation of any terms or conditions of the industrial waste permit, or any other violation of this ordinance; obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and false statements in any required report.

C. Authority to require compliance with federal categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards (authorized by section 307 of the Clean Water Act) for a particular industrial subcategory, the federal standard, if more stringent than the limitations imposed under this ordinance, or in the absence of the applicable pretreatment limitations in this ordinance, shall become applicable. The director shall promptly notify all affected industrial users of the reporting requirements contained in 40 CFR 403.12 and shall require that such reports be signed by a duly authorized representative of the industrial user who certifies as to the completeness of the report.

The director shall have the authority to place all affected industrial users on compliance schedules, receive and analyze reports on progress toward compliance, and insure that all applicable industrial users install the technology necessary to

achieve the required levels of treatment specified by the categorical pretreatment standard on or before the deadline specified in the standard. This authority shall also be applicable to those industrial users who discharge substances identified as prohibited discharges.

9-0204. **PROHIBITIONS AND LIMITATIONS ON WASTEWATER--
DISCHARGES.**

- A. Prohibitions on wastewater discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:
1. Oils and grease.
 - a. Oil and grease concentrations or amounts from industrial facilities violating federal pretreatment standards.
 - b. Wastewater from industrial facilities containing floatable fats, wax, grease or oils in amounts which would cause interference or pass through the treatment process.
 - c. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts which would cause interference or pass through.
 2. Explosive mixtures. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than 5% nor any single reading over 10% of the lower explosive limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. Pollutants which create a fire or explosion hazard in the wastewater treatment works, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60E Centigrade (140E Fahrenheit) using the test methods specified in 40 CFR 261.21.
 3. Noxious material. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair. Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater treatment works including sewers that may cause acute worker health and safety problems.

4. Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.
5. Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.
6. Solid or viscous wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
7. Excessive discharge rate. Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency. Any pollutant, including oxygen-demanding pollutants (e.g., BOD), released in a discharge at a flowrate and/or pollutant concentration which would cause interference with the wastewater treatment works.
8. Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.
9. Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system.
10. Discolored material. Wastes with objectionable color not removable by the treatment process.
11. Corrosive wastes. Any waste which will cause corrosion or deterioration of the treatment system. Prohibited materials, include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and

substances which will react with water to form acidic products. Pollutants which will cause corrosive structural damage to the wastewater treatment system or works, but in no case discharges with pH lower than 5.0 unless the wastewater treatment works are specifically designed to accommodate such discharges.

- a. Heat. No liquid or vapor should be discharged into any sewer so as to arrive as influent at the Fargo sewage treatment plant containing heat in amounts which will inhibit biological activity in the wastewater treatment system resulting in interference, but in no case heat in such quantities that the temperature at the Fargo sewage treatment plant exceeds 104E Fahrenheit (40E Celsius).
- b. Limitations on wastewater discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will:
 - i. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.
 - ii. Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent.
 - iii. Violate pretreatment standards.
 - iv. Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.
- c. Special agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable provided, however, that said special agreements shall not waive any federal categorical pretreatment standards.

- 12. Any trucked or hauled pollutants, except at discharge point designated by the City of Harwood.

9-0205. CONNECTIONS.

A. Inside City Limits. Use of Public Sewers Required,

- 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in

any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 10 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line according to the North Dakota plumbing code.
- B. Outside City Limits Approval required. No sewer connection permit shall be issued after the effective date of this article to serve any property located outside the corporate limits of the City of Harwood, except with specific approval of the City Council. Such connections shall be authorized by resolution and shall be subject to such terms, conditions and fees as the Council finds necessary to appropriate.

Source: Ord. 2025-43, Sec. 8

9-0206. PROTECTION FROM DAMAGE.

- A. Prosecution for damage to system. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

9-0207. PENALTIES.

- A. Every person, firm or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed \$1,500.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

- B. Costs. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violations.

Source: Ord. 2014-17, Sec. 2 (2014)

9-0208. **SAVINGS CLAUSE -- CONFLICT.** In the event that any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect; all ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

9-0209. **PROHIBITED CONNECTIONS TO SEWER SYSTEM - INSPECTION AND SURCHARGE AUTHORITY - WAIVER PROVISIONS.**

- A. All dwellings, buildings and structures constructed after September 21, 1971, which require, because of infiltration of water into basements, crawl spaces and the like, a foundation drainage system shall have a permanently installed discharge line which, shall not at any time, discharge water into the sanitary sewer system except as hereinafter provided in 9-0209(E). A permanent installation shall be one in which the direction of flow cannot be altered and provides for year-round discharge to either the outside of the dwelling, building or structure, or is connected directly to the city storm sewer, or discharges to the curb and gutter.
- B. Prior to June 1, 2001, all dwellings, buildings or structures constructed after September 21, 1971, having surface or ground water drains, including sump pumps, now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the city engineer for utilities.
- C. Authorized city personnel, or its designated representatives bearing proper credentials and identification, shall be permitted to enter all properties constructed after September 21, 1971, for the purposes of inspection and observation to identify prohibited discharges to the sanitary sewer system. Any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this section, in lieu of having the city inspect their property. Any person refusing to allow their property to be inspected (or failing to furnish a plumber's certificate in lieu thereof) within fourteen (14) days of the date city employees or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge penalty as required under 9-0209(D). Any person found to have violated this provision shall make the necessary changes to eliminate the discharge of surface or ground water into the sanitary sewer system and furnish proof of the changes to the city within ninety (90) days. Each prohibited connection identified may be reinspected

by the City, its designated representative or a licensed plumber, to confirm compliance.

- D. A monthly surcharge penalty, established by resolution of the City Council, shall be imposed and added to the regular sewer billing on and after June 1, 2001, to property owners who are not in compliance with this section. The surcharge shall be added every month through December 2001 until the property is in compliance. The surcharge shall continue to be levied monthly, every year on properties not complying with this section. It is provided, however, that the surcharge shall not be charged unless and until a property has been inspected and found to be not in compliance, or if the property owner refuses to allow an inspection and fails to provide a plumber's certificate in lieu thereof as set forth in this section.
- E. The City Engineer for utilities shall have the authority to grant exemptions from strict compliance with this section.

Exemptions may be granted in the form of seasonal waivers which would allow the property owner to temporarily discharge directly into the sanitary sewer system between the date of October 1 and March 31. The holder of a seasonal waiver shall allow a City employee or designated representative to certify that, prior to April 1 of each subsequent year, their discharge water connection has been removed from the sanitary sewer. Failure to provide such certification shall place the seasonal waiver holder in violation and subject to the surcharge penalty as required under 9-0209(D). Seasonal waiver requests shall be submitted on the official form provided by the City Engineer for utilities.

Exemptions may be granted in the form of non-seasonal waivers for a particular property owner who can demonstrate undue hardship because of unique or extenuating circumstances, including physical or handicap limitations. A non-seasonal waiver would allow the property owner to discharge directly into the sanitary sewer system without seasonal restrictions. The non-seasonal waiver request shall be submitted to the City Engineer for utilities in writing and, at a minimum, identify the property for which the waiver is being requested, the name of the property owner/applicant, and a detailed description of the circumstances justifying the request.

- F. Any person granted a seasonal waiver shall be charged an additional monthly fee on their utility bill to cover the cost of compliance inspections and the cost for treating the extra discharge water during the waiver period. The seasonal waiver amount shall be set by resolution of the City Council.

Any person granted a non-seasonal waiver shall be charged an additional monthly fee on their utility bill to cover the cost for treating the extra discharge water on a year-round basis. The non-seasonal waiver amount shall be set by resolution of the City Council.

- G. If a seasonal waiver is granted, the owner of the property may place a pipe connecting the sump pump to the sanitary sewer, which must have a shutoff valve. City staff or its designated representative, on or around April 1 of each year, will inspect the system to verify that the valve is closed so no prohibited water is discharged into the sanitary sewer. By applying for the waiver, the owner has granted permission to the City staff or its representatives to inspect the connection at any time between April 1 and October 31 to verify compliance with this section. Such inspections must be made between 8:00 a.m. and 5:00 p.m., Monday through Friday, and only when a resident of the premises is on site. Failure to allow such an inspection or to allow City staff or its designated representatives entry for verification of compliance shall result in automatic revocation of the seasonal waiver and imposition of the surcharge penalty pursuant to 9-0209(D).
- H. When a new structure is being constructed in the City of Harwood, if, at or prior to final inspection, City staff determines that the sump pump connection has been illegally connected to the sanitary sewer system, or that there is another connection or device or lack of a plug which allows surface run-off or ground water to enter into the sanitary sewer system, either permanently or temporarily, there shall be levied an administrative fine against the general contractor for the structure thus found in violation. If, 24 hours after receiving written notice from the City, the general contractor has not remedied the situation so that no surface run-off or ground water can enter into the sanitary sewer system, there shall be an additional administrative penalty for each month such a violation exists. In addition, the building inspector shall not issue another building permit within the jurisdiction of the City of Harwood for that contractor until the violation has been remedied and any administrative penalty has been fully paid to the City. The administrative penalty shall be set by resolution of the City Council.

CHAPTER 9-03

FIRE PROTECTION SERVICES

(Source: Ord. 2024-41, Sec. 1)

SECTIONS:

- 9-0301. Fire Services – Construction.
- 9-0302. Fire Services – Control by Gate Valve.
- 9-0303. Fire Services – When Meters Not Required.
- 9-0304. When Fire System to be Opened.
- 9-0305. Seals Broken on Fire System – Notice of Water Department.
- 9-0306. Size of Fire Service Limited.
- 9-0307. Installation of More Than One Fire Service to Same Premises.
- 9-0308. Use of Fire Service for Other Purposes – Penalty.
- 9-0309. City May Require Owner to Furnish Meter.
- 9-0310. Fire Hydrants – Permit Required to Use.
- 9-0311. Use of Fire Hydrants in Flushing Sewers and Streets.
- 9-0312. Opening of Fire Hydrants.

9-0301. **FIRE SERVICES – CONSTRUCTION.** The construction of fire services must be under the personal supervision of an authorized employee of the city and/or fire department, and the cost of this supervision will be charged to the owner.

9-0302. **FIRE SERVICES – CONTROL BY GATE VALVE.** Fire services must be controlled by a gate valve placed in the street as near to the main as practicable. Valves must be of a standard type and must have a substantial valve box fitted with a cover upon which directions for opening or closing the valve are plainly marked.

9-0303. **FIRE SERVICES – WHEN METERS NOT REQUIRED.** Private fire protection services may be constructed without meters, provided, that all outlet valves are sealed and that the system is approved by the city and fire department.

9-0304. **WHEN FIRE SYSTEM TO BE OPENED.** Fire protection systems must be opened in case of fire or for inspection and must not supply water for domestic or other than fire purposes.

9-0305. **SEALS BROKEN ON FIRE SYSTEM – NOTICE OF WATER DEPARTMENT.** When seals on a fire protection system are broken, it is the duty of the owner or occupant to notify the city and fire department within 24 hours thereafter.

9-0306. **SIZE OF FIRE SERVICE LIMITED.** The city and/or fire department reserve the right to limit the size of fire protection services where the street mains are of such size as to make it necessary in order to protect public interest.

9-0307. INSTALLATION OF MORE THAN ONE FIRE SERVICE TO SAME PREMISES. If more than one service is installed to the same premises, the piping system of one must not be connected with the other except on recommendation of the city engineer.

9-0308. USE OF FIRE SERVICE FOR OTHER PURPOSES – PENALTY. In any case when the owner or occupants of any premises are found to be using water from a fire service for purposes other than fire protection, the water will be shut off from the same. A violation of this rule will be considered sufficient cause for cutting the service off at the main and refusing to reconnect same while the offender occupies the premises.

9-0309. CITY MAY REQUIRE OWNER TO FURNISH METER. The city reserves the right at any time to require the owner of the premises supplied to furnish and install, at the owner's expense and under the direction of the city engineer, an approved water meter and to keep the same in accurate operating condition.

9-0310. FIRE HYDRANTS – PERMIT REQUIRED TO USE. No person, other than authorized personnel of the City or of the Harwood fire department, shall use a fire hydrant without first obtaining a permit therefor from the city and fire department; and without making arrangements for metering all water used. A violation of this section is punishable by a minimum fine of \$250 and a maximum fine of \$1,000.

9-0311. USE OF FIRE HYDRANTS IN FLUSHING SEWERS AND STREETS. Hydrants used for construction purposes or for flushing sewers and streets must have a reducing coupling attached to the nozzle of the hydrant with an independent throttling valve for regulating the supply.

9-0312. OPENING OF FIRE HYDRANTS. Hydrants shall be opened only with a numbered hydrant spanner which must be obtained either from the fire department or from the city.