

CITY OF HERMANTOWN
UTILITY COMMISSION AGENDA – June 17, 2021

Because attendance at the regular meeting location is not entirely feasible due to the health pandemic, Hermantown’s June 17, 2021, **UTILITY COMMISSION** Meeting will be conducted remotely.

The meeting will utilize the platform “Zoom” – which allows the public to view and/or hear the meeting from their phone or computer. Attendance is allowed at City Hall, with social distancing guidelines to be followed and masks required.

Topic: Utility Commission Meeting

Time: June 17, 2021 05:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88136816921?pwd=S1hPTzF6Mk1sNXF6a3YvV1pDMnJKdz09>

Meeting ID: 881 3681 6921

Passcode: 882817

One tap mobile

+13126266799,,88136816921#,,,,*882817# US (Chicago)

+16465588656,,88136816921#,,,,*882817# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 881 3681 6921

Passcode: 882817

Find your local number: <https://us02web.zoom.us/j/kbcRZiKp0p>

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated

**CITY OF HERMANTOWN
UTILITY COMMISSION AGENDA – June 17, 2021**

*CITY ADMINISTRATIVE BUILDING, 5105 MAPLE GROVE ROAD
5:30 PM – In Person and Zoom*

1. **ROLL CALL**
2. **MINUTES** – Approval or Correction
 - a. May 20, 2021 regular meeting.
3. **PUBLIC DISCUSSION** *(This is the time for which individuals can address the Commission about any item pertaining to utilities. The time limit is three minutes per person)*
4. **COMMUNICATIONS** (items of information only – any communication requiring action is provided under that item on the agenda)
 - a. WLSSD Review of 2019-2020 I & I
 - b. WLSSD Discharge Monitoring
 - c. WLSSD I & I Update
5. **OLD BUSINESS**
 - a. Sod Discount – Procedure & Form Review
6. **NEW BUSINESS**
 - a. Utility Ordinance Update
 - b. Long Range Sewer Planning
7. **REPORTS**
 - a. Budget to Actual Expenditure Report
 - b. Public Works Utility Maintenance & Project Update Report
 - c. Water Loss Report
 - d. WLSSD Monthly Flow, Rain Fall & Flow
 - e. New Connections Report
 - f. Utility Billing Happenings

8. COMMISSION MEMBERS REPORT

- a. Jim Samberg -
- b. William Berg -
- c. Robert McLachlan -
- d. Doug Kerfeld -
- e. Howard Jacobson -
- f. Councilor Grant Hauschild -

9. RECESS

**CITY OF HERMANTOWN
UTILITY COMMISSION MEETING SUMMARY
May 20, 2021
5:30 PM
This meeting was conducted in person and via Zoom.**

ROLL CALL Jim Samberg (Zoom), William Berg, Doug Kerfeld, Rob McLachlan (Zoom), Howard Jacobson, Councilor Grant Hauschild (Zoom)

ABSENT:

VISITORS Kevin Orme, Director of Finance and Administration; Paul Senst, Director of Public Work; Lindsay Townsend, Utility Billing Clerk

MINUTES

Motion by Rob McLachlan to approve minutes of April 15, 2021 meeting, seconded by William Berg
All ayes, motions carried.

PUBLIC DISCUSSION: There were no members of the public present.

COMMUNICATIONS (items of information only – any communication requiring action is provided under that item on the agenda) -none

OLD BUSINESS – none

NEW BUSINESS

a. Sod Discount/Credit

Commission agreed to offer a discount on the sewer charge for watering new sod or seed for new construction homes only. This would be based off the past 6 months usage history and the difference from one watering month would be credited to the account. Commission would like more data from City staff on number of discounts in the past and what the average dollar amount has been.

REPORTS

- a. Budget to Actual Expenditure Report – Report was attached. Rob questioned one of the charges and Paul informed commission it was for meters and radios.
- b. Public Works Utility Maintenance & Project Update Report - Report was attached.
- c. Water Loss Report – Report was attached
- d. WLSSD Monthly Flow, Rain Fall & Flow – Report was attached.
- e. New Connections Report – Report was attached
- f. Utility Billing Happenings – Memo attached

COMMISSION MEMBERS REPORT

- a. Jim Samberg: No report.
- b. William Berg: No report. Mentioned that he applied to be part of the broadband task force.
- c. Robert McLachlan: No report.
- d. Doug Kerfeld: No report.
- e. Howard Jacobson: No report.
- f. Councilor Grant Hauschild: Grant mentioned that he is pushing the City to be prepared to accept money for broadband projects when available.

RECESS Motion by Jim Samberg to adjourn, second by Howard Jacobson. All ayes, motion carried. The meeting recessed at approximately 6:39pm.

Minutes prepared by:
Lindsay Townsend, Utility Billing Clerk



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 Duluth, MN 55806-1894
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 fax 218.727.7471
 www.wlssd.com

Western Lake Superior Sanitary District

5/11/2021

Mr. Paul Senst
 City of Hermantown
 5105 Maple Grove Road
 Hermantown, MN 55811

RE: REVIEW OF 2019-2020 INFLOW AND INFILTRATION (I & I) REDUCTION PROGRAM

Dear Mr. Senst:

Thank you for providing WLSSD the 2020 Inflow and Infiltration Annual Report and 2021 Work Plan for your community. The annual report and work plan you submitted was thoroughly reviewed by WLSSD staff and presented to the WLSSD Committee of the Whole on April 20, 2021 to provide Board members with not only a summary of your plan but also a means for comparing activity level between each community.

The review of these submittals combined with system performance helps the Board determine compliance with the WLSSD Inflow and Infiltration Ordinance. Following the review of your submittal along with an analysis of collection system performance, the compliance status below was assigned to your community I & I program.

2019-2020 Score	2020-2021 Score	2020-2021 Status
15	15	Compliant

Scoring Key:

- 0 – 25 points = compliant
- 26 – 39 points = marginally complaint
- 40 – 50 points = borderline non-compliant
- 51+ points = non-compliant

Enclosed with this letter you will find the score sheets that detail how the compliance status for your programs was calculated along with a Permitted Peak Flow and Excess Flow Summary for 2020.

WLSSD appreciates the continued efforts and commitment to identifying and removing sources of I & I from within the sanitary sewer system. Please do not hesitate to contact me at 218-740-4787 or sam.lobby@wlssd.com if you have any questions in this regard. I look forward to continuing to work with you throughout the next year.

Sincerely,

Sam Lobby
 Senior Planner

Encl. 2020-2021 I & I Program Scoresheet
 2020 Permitted Peak Flow and Excess Flow Summary

2020 Permitted Peak Flow Exceedance Summary – Municipal Customers

Municipal Customer	2020 Average Dry Weather Flow ¹ (MGD)	2020 Permitted Peak Flow ² (MGD)	Actual 2020 Peak Flow (MGD) ³	2020 Peaking Factor (Peak Flow/ADWF)	2020 Peak Flow in Excess of Permitted Peak Flow	2020 Permitted Peak Flow Exceedances
City of Duluth	9.4200	47.8000	76.7821	8.15 x ADWF	28.9821	5
City of Wrenshall	0.0210	0.1300	0.1771	8.43 x ADWF	0.0471	5
City of Carlton	0.1200	0.8200	1.0800	9.00 x ADWF	0.2600	2
Village of Oliver	0.0173	0.1000	0.2200	12.72 x ADWF	0.1200	2
DNSSD	0.0375	0.3100	0.4251	11.34 x ADWF	0.1151	2
City of Proctor	0.2830	1.9900	2.1613	7.38 x ADWF	0.1713	1
Town of Thomson	0.1500	1.0000	1.1752	7.83 x ADWF	0.1752	1
KRLSD	0.0138	0.1340	0.1893	13.72 x ADWF	0.0553	1
City of Scanlon	0.1400	0.8300	0.6684	4.77 x ADWF	---	0
City of Rice Lake	0.0487	0.2800	0.2342	5.01 x ADWF	---	0
City of Cloquet	0.9890	5.7500	3.8102	3.93 x ADWF	---	0
Jay Cooke State Park	0.0080	0.0100	0.0994	12.43 x ADWF	---	0
City of Hermantown	0.5480	3.5300	2.1038	3.84 x ADWF	---	0
PLAWCS	0.0730	0.4500	0.3022	4.14 x ADWF	---	0
Town of Twin Lakes	0.0840	0.4000	0.1771	2.77 X ADWF	---	0
Midway Township (Midway Park)	0.0484	0.3000	0.1676	3.39 x ADWF	---	0

¹ ADWF = Average Dry Weather Flow - typically January or February average daily flow. Rolling 5-year average used to calculate ADWF.

² Permitted Peak Flow = Taken from 2016-2020 Capacity Allocation Permits

³ Highest measured hourly average peak flow during 2020

COMMUNITY INFLOW AND INFILTRATION PROGRAM ASSESSMENT

COMMUNITY: CITY OF HERMANTOWN

PROGRAM YEAR: 2020-2021



A. Overall responsiveness/completeness of annual report/work plan submittal: (includes completion of all items in report, continuity with previous year(s) submittals, overall high level of detail, inclusion of supporting documents, etc.):

SATISFACTORY = 0 points	FAIR = 1 points	INADEQUATE = 2 points
NOTES:		

B. Responsiveness to Permitted Peak Flow exceedances notifications in 2020: (Includes timely responses to WLSSD notifications of exceedances, adequate investigation of source/cause of exceedances, appropriate timelines for correcting identified issues, etc.)

SATISFACTORY = 0 points	FAIR = 2 points	INADEQUATE = 4 points
NOTES:		

C. Completed of Items in 2020 work plan submitted to WLSSD

Completed all work as proposed in work plan, or completed alternative projects with similar impact(s) = 0 points	Completed the majority of work as proposed in work plan = 5 points	Completed some projects in work plan, but less than planned/proposed = 10 points	Completed significantly less than work than proposed = 15 points	Did not complete any projects or work as proposed or alternative projects = 20 points
NOTES: Identification activities proposed for 2021 not indicated on completed work				

D. Adequacy of 2021 work plan to address inflow and infiltration issues within community

Identification activities planned/proposed	SATISFACTORY = 0 points	FAIR = 5 points	INADEQUATE = 10 points
Reduction projects planned/proposed	SATISFACTORY = 0 points	FAIR = 5 points	INADEQUATE = 10 points
NOTES: The work proposed would be useful but some are things that should be done anyways (ie- inspecting lift stations), not "above and beyond" to prevent I&I			

E. 2020 Permitted Peak Flow Exceedances

Zero exceedances = 0 points	1 to 3 exceedances = 5 points	4 to 6 exceedances = 10 points	7 to 10 exceedances = 15 points	11 or more exceedances = 20 points
NOTES:				

F. 2020 Peaking factor: (highest measured peak flow in calendar year divided by average dry weather flow for community)

0 to 7 peaking factor = 0 points	8 to 11 peaking factor = 4 points	12 to 15 peaking factor = 8 points	16 to 20 peaking factor = 12 points	21+ peaking factor = 16 points
NOTES: PF of 3.84				

G. Community Inflow and Infiltration Program Year-to-Year Progress

2018-2019 I & I Program	COMPLIANT = 0 points	MARGINALLY COMPLIANT = 3 points	BORDERLINE NON-COMPLIANT = 6 points	NON-COMPLIANT = 9 points
2019-2020 I & I Program	COMPLIANT = 0 points	MARGINALLY COMPLIANT = 3 points	BORDERLINE NON-COMPLIANT = 6 points	NON-COMPLIANT = 9 points

TOTAL 2019-2020 PROGRAM SCORE	15
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Scoring Key (100 total points possible):

- 0 – 25 points = Compliant
- 26 – 39 points = Marginally Compliant
- 40 – 50 points = Borderline Non-Compliant
- 51+ points = Non-compliant

Previous Scores

- 2019-2020: 15
- 2018-2019: 20
- 2017-2018: 20
- 2016-2017: 20
- 2015-2016: 7
- 2014-2015: 5
- 2013-2014: 0
- 2012-2013: 0
- 2011-2012: 5



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Western Lake Superior Sanitary District

May 12, 2021

Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
ATTN: Discharge Monitoring Report

Dear Regulatory Authority;

This cover letter is a summary of Western Lake Superior Sanitary District's Wastewater Treatment Plant Report for April 2021 (as per NPDES/SDS permit MN0049786). An electronic copy of this month's report will be submitted to MPCA. If anyone would like a paper or electronic version of the attachments please contact WLSSD at (218) 722-3336.

The average daily flow to the plant in April was 37 MGD.

The average influent cBOD5 concentration was 198 mg/L and the average effluent concentration was 10 mg/L. The cBOD5 removal efficiency for the month of April was 95 percent. The average influent and effluent suspended solids concentrations were 172 mg/L and 12 mg/L, respectively, providing a monthly suspended solids removal rate of 93 percent.

For the month of April, the effluent phosphorus calendar month average concentration was 0.3 mg/L and the average mass was 37 kg/d, compared to the respective calendar month average limits of 1.0 mg/L and 115 kg/d.

For the month of April, the effluent's daily maximum mercury concentration was 4.3 ng/L and the monthly average was 4.2 ng/L. WLSSD's reissued NPDES permit stipulates Mercury discharge limitations of 5.8 ng/L for the calendar month average, and 7.4 ng/L for a daily maximum. In milligrams per day, the calendar month average limit is 1062 and the daily maximum limit is 1355. For the month of April, the calendar month average Mercury was 564 mg/d, and the daily maximum was 572 mg/d.

On April 13, 2021 WLSSD had a release of approximately 2,500 gallons of plant water (treated effluent) onto plant site due to leak in a plant water line located in the biogas building. This small building does not currently contain a floor drain and the leak flowed out of the building onto the ground where it reached a storm water drain. This situation was corrected immediately and a report was made to the duty officer. WLSSD is currently in the process of designing a containment and floor drain for this building to prevent reoccurrence. This project is expected to be completed by the end of 2021. There were no other releases for the month of April and no releases related to wet weather.

Page 2

May 12, 2021

The submittal also contains: a Sample Values Spreadsheet, Dmr Calculated Values Spreadsheet, and reports of sewage releases and Quarterly reports, if applicable.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bohren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marianne Bohren
Executive Director

MB/jlm

Attachments

CC: Ms. Alieca Johnson
Ms. Rhonda Peleski
Ms. Lori Stigers
Mr. Caleb Peterson
Mr. Derek Wolf
Mr. John Mulder



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Phone 218.722.3336
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Western Lake Superior Sanitary District

June 8, 2021

RE: END OF TEMPORARY HOLD ON SUMP PUMP AND LATERAL INSPECTION PROGRAMS ON JULY 1, 2021

Dear WLSSD Communities,

On April 8, 2020 WLSSD issued a temporary hold effective until January 1, 2021 regarding the Inflow and Infiltration (I & I) Ordinance provision requiring community implementation of inspection and correction programs for private side sources of I & I (*Article VII – Sewer Service Lateral and Sump Pump or Foundation Drain Disconnection Compliance Programs*). The continuation of the COVID-19 pandemic led WLSSD to issue communities an extension of the temporary hold on the implementation and enforcement of the I&I Ordinance until July 1, 2021.

This letter serves as notification that the temporary hold on the I & I Ordinance requirements within Article VII will expire on June 30, 2021 and WLSSD will resume normal implementation and enforcement practices beginning on July 1, 2021.

Please contact me if you have any questions in this regard at Sam.Lobby@WLSSD.com or (218)740-4787. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Lobby', is written over a light blue horizontal line.

Samuel Lobby
Senior Planner
Western Lake Superior Sanitary District
2626 Courtland Street
Duluth, MN 55806
218-740-4787
Sam.Lobby@WLSSD.com

TO: Utility Commission Members



FROM: Lindsay Townsend, Utility
Billing Clerk

DATE: June 10, 2021

Meeting Date: 6/17/21

SUBJECT: Sod Discount

Agenda Item:

REQUESTED ACTION

Please review and discuss proposed procedure and form.

BACKGROUND

As requested by the commission last month here is some data in regards to sewer discounts for new sod.

- **From January 1, 2019 through May 27, 2021 we have issued 61 sod discounts.**
- **Total dollar amount from these discounts: \$9,250.78**
- **Average discount is \$151.65**

ATTACHMENTS

- **New Sod Discount Procedure**
- **New Sod Discount Application/Form**

Handbook for the City of Hermantown		
Policy	X	Procedure
Date Adopted	Title: New Sod Discount	Section: Utilities
Revision Dates:		Page: 1 of 2

Purpose: The purpose of this procedure is to set rules for offering new sod/seed discounts.

Qualifications: To qualify for the new sod/seed discount customer must meet all of these requirements.

1. The home must be newly constructed. This will be verified by a Public Works employee.
2. The home must have new sod or new seed to water.
3. A three-month history needs to be established to determine “normal” usage. The customer must wait until history is established before qualifying for discount.
4. The application form must be fully completed and submitted to the Utility Billing Clerk.

How the discount amount is determined:

The discount amount will be determined by taking the water usage amount from the usage cycle the customer chooses and from that usage subtract the three-month average usage which will result in a good estimate of the water used for watering the new sod/seed. The difference will then be divided by 1000 and then multiplied by the current sewer rate per the fee schedule.

Entering the discount in Black Mountain Utility Billing:

Click the transaction tab on the customers account. Then select “enter adjustment” and choose the adjustment type “New Sod-Sewer Disc”. Enter the dollar amount of the discount in the sewer line and click “post”.

Notes:

Under no circumstance does the sod discount apply to:

- **Watering gardens**
- **Watering grass patches in established lawns**
- **Filling Swimming Pools**
- **Flooding Ice Skate Rinks**

Handbook for the City of Hermantown		
Policy		X Procedure
Date Adopted	Title: New Sod Discount	Section: Utilities
Revision Dates:		Page: 2 of 2

Example:

Customer watered new sod or seed during the May usage cycle resulting in 18,000 gallons of water used. Customer filled out Sewer Discount form and submitted to Utility Billing Clerk. The prior 3-month average usage is: 3,133. The difference between 18000 and 3133 is: 14,867. Take 14,867 divided by 1000 = 14.867 and multiply that by the current sewer rate per the fee schedule. $14.867 \times \$10.15 = \150.90 . Credit amount is \$150.90.



5105 Maple Grove Road
Hermantown, MN 55811
hermantownmn.com

Phone: (218) 729-3609 E-mail: jtowndsend@hermantownmn.com

Month	Usage
January	2700
February	3400
March	2900
April	3100
May	18000

SEWER RATE DISCOUNT AGREEMENT FOR NEW SOD/SEED 2021

****New Construction homes ONLY**
One time ONLY**

The Property Owner Jim Nasium
(Please print name)
located at 123 Main St Hermantown, MN 55811, hereby requests and agrees
(Address)
to pay for sewer based on their average usage during the last 3 months at \$10.15 per 1,000 Gallons
in order to install and establish new sod or seed for the following one (1) month billing cycle:
(Circle One Below)

Usage Cycle:	<u>05/18/21 – 06/17/21</u>	06/18/21 – 07/16/21	07/17/21 – 08/17/21	08/18/21 – 09/17/21
Bill Due Date:	<u>7/10</u>	8/10	9/10	10/10
	<u>9/18/21 – 10/18/21</u>	10/19/21 – 11/17/21	11/18/21 – 12/17/21	
	11/10	12/10	1/10/22	

Note: This is a break on "Sewer Charges Only". You will still have to pay for the total water used at the current rates as follows:

Residential	Tier 1	\$8.15 per 1,000 Gallons	For up to 2,500 Gallons Used
	Tier 2	\$9.38 per 1,000 Gallons	Between 2,501 – 4,500 Gallons Used
	Tier 3	\$10.32 per 1,000 Gallons	Anything over 4,501 Gallons Used

jim.nasium@email.com
(Email Address)

218-123-1234
(Phone Number)

Jim Nasium (Signature) Date: 5/27/2021

TO: Utility Commission Members



FROM: Lindsay Townsend, Utility
Billing Clerk

DATE: June 10, 2021

Meeting Date: 06/17/2021

SUBJECT: Utility Ordinance Updates
Draft

Agenda Item:

REQUESTED ACTION

Review updated Utility Ordinance draft and provide feedback

BACKGROUND

As you know we have been reviewing the utility ordinance to make improvements. Mid May we met with our City Attorney and together came up with improvements to better fit our needs.

Here are the highlights of the changes that we made:

- Removed section 905 and integrated information into new section 920, 930 & 940.
- Changed verbiage about receipt of payments. Currently we accept card, cash and check payments. Old ordinance stated that we only accept cash.
- Changed verbiage about reading meters. We currently read meters electronically. Old ordinance stated that residents are to mail in their readings.
- Replaced “Superintendent” with “Public Works Director” where applicable.
- Added sections about temporary water meters and irrigation meters
- Added verbiage to include frozen meters as customers responsibility to pay for replacement

TIMELINE

July 22nd Utility Commission Meeting – Final Approval

August 2nd – First reading to Council

August 16th – Second reading to Council

ATTACHMENTS

- Utility Ordinance Update Draft

CHAPTER 9. UTILITIES AND SERVICES

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Section 900 - Solid Waste

900.01 Purpose and Application.

900.01.1. The Sanitary Board of the Western Lake Superior Sanitary District (the “district”), which includes the City of Hermantown (the “City”) within its boundaries, shall be empowered by its enabling legislation to regulate the disposal of solid waste within its boundaries. (See laws of Minnesota 1989, First Special Session, Chapter 1 (the “Score Legislation”). To reduce the volume of solid waste requiring disposal within the State of Minnesota, the Score Legislation requires the district and other governmental agencies in the State of Minnesota responsible for disposal of solid waste to give residents an opportunity to recycle which shall include:

900.01.1.1. Local recycling center in the district and sites for collecting recyclable materials that shall be located in areas convenient for persons to use them; and

900.01.1.2. Curbside pickup, centralized drop-off or a local recycling center for at least four kinds of recyclable materials in cities with a population of 5,000 or more persons.

900.01.2. The district has adopted an ordinance relating to mixed municipal solid waste management and recycling which would become effective within the City unless the City adopts an ordinance which:

900.01.2.1. Creates a system of licensing collectors;

900.01.2.2. Regulates rates for collection;

900.01.2.3. Mandates collection of mixed municipal solid waste;

900.01.2.4. Provides residents an opportunity to recycle as required by M.S. Section 115A.552 (1) and (2), as it may be amended from time to time;

900.01.2.5. Supplies the district copies of all license applications for collectors on a monthly basis; and

900.01.2.6. Provides a certified copy of the ordinance to the district within five days following enactment.

900.01.3. The City Council supports the goals of the Score Legislation and believes it shall be in the best interest of its residents to design methods of accomplishing the goals consistent with factors unique to the City.

900.02 Definitions. As used in this section, the following terms shall be defined as follows, unless a different meaning clearly appears from the context:

900.02.1. “Backyard compost size” shall mean a site used to compost food scraps or yard waste from a single family or household, apartment building or a single commercial office.

900.02.2. “Board” shall mean the Sanitary Board of the Western Lake Superior Sanitary District.

900.02.3. “Bulky items” shall mean items of solid waste which do not fit within a container.

900.02.4. “City” shall mean the City of Hermantown.

900.02.5. “City Council” shall mean the City Council of the City.

900.02.6. “City Clerk” shall mean the duly appointed City Clerk of the City.

900.02.7. “Collector” shall mean the person or entity specifically licensed by the City to collect garbage, rubbish, other mixed municipal solid waste and recyclable materials and to dispose of same.

900.02.8. “Composting” shall mean the controlled microbial degradation of organic waste to yield a humus-like product.

900.02.9. “Container” shall mean a container for solid waste which shall meet the requirements set forth in 900.07.2.

900.02.10. “Demolition debris” shall mean inert material that shall include concrete, brick, bituminous concrete, untreated wood, masonry, glass, rock, and plastic building parts resulting from the demolition of buildings, roads and other man-made structures. “Demolition debris” shall not include solid waste or asbestos waste.

900.02.11. “District” shall mean the Western Lake Superior Sanitary District.

900.02.12. “Facility” shall mean the land, structures, monitoring devices and other improvements on the land used for monitoring, treating, processing, storing or disposing of solid waste, leachate or residuals from solid waste processing.

900.02.13. “Garbage” shall mean discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

900.02.14. “Hazardous substance.”

900.02.14.1. The term shall mean:

900.02.14.1.1. Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 USC 1321 (b)(2)(A), as it may be amended from time to time;

900.02.14.1.2. Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 USC 7412, as it may be amended from time to time; and

900.02.14.1.3. Any other substance which constitutes a hazardous waste under Minnesota law or federal law.

900.02.14.2. “Hazardous substance” shall not include natural gas, natural gas liquids, liquified natural gas, synthetic gas usable for fuel or mixtures of the synthetic gas and natural gas, nor shall it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste. “Hazardous substance” shall not include household hazardous waste.

900.02.15. “Hospital waste” shall mean all solid waste generated by a hospital except infectious waste and pathological waste.

900.02.16. “Household hazardous waste” shall mean those waste chemicals and compounds which would be considered hazardous substances under state law and are generated by residential dwelling units.

900.02.17. “Industrial solid waste” shall mean all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. “Industrial solid waste” shall not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris or household refuse.

900.02.18. “Infectious waste” shall mean laboratory waste, blood, regulated body fluids, medical sharps and research animal waste that have not been decontaminated. For purposes of this definition, “laboratory waste” shall mean waste cultures and stocks of agents that are generated from a laboratory and are infectious to humans; discarded contaminated items used to inoculate, transfer or otherwise manipulate cultures or stocks of agents that are infectious to humans; wastes from the production of biological agents that are infectious to humans; and discarded live or attenuated vaccines that are infectious to humans. For purposes of this definition, regulated human body fluids shall mean cerebrospinal fluid, synodical fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that are in containers or that drip freely from body fluid soaked solid waste items. For purposes of this definition, research animal waste shall mean carcasses, body parts and blood derived from animals knowingly and intentionally exposed to agents that are infectious to humans for the purpose of research, production of biologicals or testing of pharmaceuticals.

900.02.19. “Institutional facilities” shall mean schools, courthouses, hospitals, “in-house” municipal programs, and the like, for collecting recyclable materials.

900.02.20. “Medical sharps” shall mean:

900.02.20.1. Discarded items that can cause subdermal inoculation of infectious agents, including needles, scalpel blades, pipettes and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities and industrial operations; and

900.02.20.2. Discarded glass or rigid plastic vials containing infectious agents.

900.02.21. “Mixed municipal solid waste” shall mean garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but shall not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as separate waste streams.

900.02.22. “Owner” and “occupant” shall mean the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

900.02.23. “Pathological waste” shall mean human tissues and human body parts removed accidentally or during surgery or autopsy intended for disposal. “Pathological waste” shall not include teeth.

900.02.24. “Recyclable materials” shall mean any materials that are designed as “recyclable materials” by regulation of the district.

900.02.25. “Recycling facility” shall mean a site permitted by the Minnesota Pollution Control Agency, used to collect, process and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

900.02.26. “Rubbish” shall mean non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

900.02.27. “Solid waste” shall mean all garbage, rubbish and other discarded solid materials including solid materials resulting from industrial, commercial, agricultural and residential uses, but shall not include recyclable materials, demolition debris, animal waste used as fertilizer, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

900.02.28. “Unacceptable waste” shall mean solid waste designated as “unacceptable waste” by regulation of the district.

900.02.29. “Yard waste compost facility” shall mean a site used for the composting of yard waste which shall be:

900.02.29.1. Operated by the district or the City; or

900.02.29.2. Operated by a private person or entity and permitted by the Minnesota Pollution Control Agency to accept yard waste.

900.03 Disposal of Recyclable Materials.

900.03.1. Separation Required. Every person or entity disposing of solid waste in the City shall separate recyclable materials from solid waste. The owner or occupants of each residence or residential unit and the owner or occupant of each nonresidential commercial, or industrial premises authorized to place solid waste in the various waste receiving facilities of the district, including its sanitary landfill, shall separate recyclable materials prior to collection by a collector.

900.03.2 Containers. Persons or entities shall place recyclable materials in approved containers (an approved container can be either a bin or a bag at the discretion of the licensed hauler) for collection, or, in the alternative, shall deliver recyclable materials to the recycling facility of their choice.

900.03.3 Public Establishments. Owners of establishments at which there is public traffic, including, but not limited to public buildings, hotels, motels, retail stores, theaters, college dormitories and church social halls, shall provide receptacles for recyclable materials alongside their present public receptacles for solid waste. The owners of these establishments shall not be required to separate items which the general public places in receptacles intended for solid waste.

900.03.4 Collection. No person or entity other than the owner or the occupant of a residential, commercial or industrial structure, or the licensed collector which provides services to the structure, shall collect or gather recyclable materials set out for collection by a licensed collector.

900.04 Disposal of Yard Waste; Composting.

900.04.1. Any person disposing of yard waste shall have the option of disposing of the waste by one of the following methods:

900.04.1.1. Disposal in a backyard compost site;

900.04.1.2. Disposal in a yard waste compost facility operated by the City or the district;
or

900.04.1.3. Disposal in a privately operated yard waste compost facility.

900.04.2. Yard waste shall not be placed in the waste receiving facilities of the district. No person or entity shall cause, allow or permit the burning of yard waste, notwithstanding any permit which the person or entity may obtain from the State of Minnesota.

900.04.3. Yard waste may be subject to periodic pickup by a licensed collector. Yard waste collected for the purpose of composting shall not be disposed of in any other manner.

900.05 Disposal of Demolition Debris. Any person disposing of demolition debris shall transport the waste to any site designated by the Minnesota Pollution Control Agency for receipt of the demolition debris.

900.06 Disposal of Bulky Items. Any person disposing of bulky items shall transport the waste to any site designated by the district for receipt of the bulky items. If the service is provided, bulky items may be subject to periodic collection by a licensed collector.

900.07 Waste Preparation and Storage.

900.07.1 Accumulation. No owner or occupant of any private property or business property shall permit any accumulation of solid waste, or any similar material or mixture of material upon the property or upon any adjoining property, alley, street, sidewalk or highway, except in proper containers as described below.

900.07.2 Containers. Every owner or occupant of any private property or business property shall provide in good condition water-tight and rodent- proof containers sufficient to hold all the solid waste which accumulates on the premises during the time between collections. In the case of residential structures containing four or less dwelling units, the containers shall be of a maximum size of 96 gallons, shall be provided with handles and a tight and securely fitted cover. All solid waste shall be placed in the containers which shall not be filled in a manner which prevents closure of the container and, in the case of residential structures containing four or less dwelling units, the contents shall not exceed 96 pounds in weight.

(Am. Ord. 2002-02, passed 10-21-02)

900.07.3 Oil, Batteries and Tires. Every owner or occupant shall separate all automobile oil, motor vehicle batteries and tires from all solid waste and shall transport such items to the facility designated by the district for the handling of oil, batteries or tires, respectively. Automobile oil shall be placed in an unbreakable, leak-proof receptacle by the owner or occupant. Motor vehicle batteries shall be transported in a manner which shall not allow release or escape of their contents.

900.07.4 Unauthorized Disposal. No person or entity shall place solid waste in any container unless specifically authorized by the owner, occupant or licensed collector which provides collection services for the container. The disposal in a roadside litter receptacle of garbage or rubbish generated within an automobile shall not violate this provision.

900.07.5 Household Hazardous Waste. Every owner or occupant shall separate all household hazardous waste from all other solid waste. Containers with household hazardous waste shall be handled or transported in a manner which shall not allow release or escape of the contents. All household hazardous waste shall be disposed of in accordance with the household hazardous waste program of the district, as the program shall exist at such time, or in such other manner as shall be specified by the district.

900.07.6 Hospital, Pathological, Infectious, Medical Sharps, Hazardous Substances and Other Unacceptable Wastes. Hospital waste, pathological waste, infectious waste, medical sharps, hazardous substances and other unacceptable wastes not specifically referred to in this section shall be disposed of in accordance with state law and as required by the

district. Industrial solid waste shall be disposed of in accordance with the industrial solid waste management plan of the district, as the same shall exist at such time.

900.08 Mandatory Collection of Waste. It shall be the duty of the owner and occupant of every single family residential structure to provide for not less frequently than weekly disposal of all mixed municipal solid waste generated by such single family residence through employment of the services of a licensed collector; provided that collection may be less frequent than weekly where the volume of mixed municipal solid waste generated by such single family residential structure is sufficiently low to allow less frequent collection in compliance with all other provisions of this section. Owners of residential structures containing more than one dwelling unit but more than four dwelling units shall employ a licensed collector for the removal of all mixed municipal solid waste at least weekly from the premises. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall either employ a licensed collector for the removal of all mixed municipal solid waste from their premises weekly or provide the removal service themselves, weekly, provided that the owner shall obtain under this section.

(Am. Ord. 2002-02, passed 10-21-02)

900.09 Collection of Recyclable Materials. All collectors licensed by the City under this section shall provide curbside collection of recyclable materials at least once each month. Curbside collection of recyclable materials by collectors shall be provided in the entire City of Hermantown. Every owner or occupant shall dispose of recyclable materials:

900.09.1. By the curbside collection required to be provided by collectors under this subsection;

900.09.2. At a structure, if any, for collection and disposal of recyclable materials maintained by the City; or

900.09.3. At a privately operated location for the lawful collection and disposal of recyclable materials.

900.09.4. No person shall burn any recyclable materials.

900.09.5. No person shall accumulate and store prior to collection more than 100 gallons in volume or 200 pounds by weight of recyclable material on such person's premises.

(Am. Ord. 2002-02, passed 10-21-02)

900.10 Charges for Collection.

900.10.1. Each licensed collector operating within the city shall establish a schedule of rates. The schedules of rates shall be fixed based upon the frequency of collection, the character and volume of solid waste collected and removed, distance between residences, and the distance and cost for delivery of solid waste to facilities of the district and create an incentive for persons

within the City to reduce the amount of mixed municipal solid waste which requires disposal. The schedules of rates shall require a minimum charge for collection based on a unit of volume per collection; provided, however, that there shall be a volume based charge for additional units of the same additional volume.

(Am. Ord. 2002-02, passed 10-21-02)

900.10.2. The incremental cost of additional volume above the minimum charge shall increase so that an owner or occupant shall have a financial incentive to reduce the volume of mixed municipal solid waste that requires disposal. Each schedule of rates shall provide additional charges for bulky items. These charges shall not be included in the minimum charge.

900.10.3. Where a collector provides mandatory collection of mixed municipal solid waste at a residential structure containing four or fewer dwelling units, there shall be no additional charge for collection of recyclable materials.

900.10.4. No collector or any agent thereof shall charge any rate in excess of the maximum rate for such service as established from time to time by the district.

(Am. Ord. 2002-02, passed 10-21-02)

900.11 Licensing Collectors of Solid Waste and Recyclable Materials. For the health, safety and welfare of the residents of the City, the following regulations applicable to all mixed municipal solid waste removal and disposal and handling of recyclable materials shall be established:

900.11.1 Collector's License Required.

900.11.1.1. No person shall engage in the business of collecting or removing garbage, rubbish, other mixed municipal solid waste and recyclable materials within the City without first obtaining a license to do so from the Western Lake Superior Sanitary District. Charitable, religious and fraternal organizations may collect recyclable materials without compliance with this subsection.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.4 Continuing Obligations of Licensee. All collectors, in addition to any other requirements contained in this section, shall comply with the following:

900.11.4.1. All vehicles used by collectors shall be inspected annually by the Minnesota State Patrol, Commercial Vehicle Inspection Division or any state certified inspector. Inspection reports shall be forwarded to the City. The collector shall maintain all vehicles used by the collector in good repair and shall comply with all laws, rules and regulations applicable to the vehicles.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.4.2. The insurance required by the Western Lake Superior Sanitary District as a condition to the issuance of a license shall be maintained and the collector shall provide evidence of maintenance of insurance upon request by the City Clerk.

(Am. Ord. 2002-02, passed 10-21-02)

900.11.4.3. Any collector shall notify the City Clerk in writing within 30 days of any change in ownership, name or location of business offices.

900.11.4.4. Any collector shall notify the City Clerk in writing immediately upon loss of liability insurance coverage.

900.11.4.5. A collector shall accept assignment of collection duties for residential and commercial structures as provided in 900.08.

900.12 Reporting Requirement.

900.12.1. All collectors and owners which provide their own collection services under 900.08, recycling facilities, institutional facilities, and commercial, retail and industrial businesses, receiving or processing any recyclable materials shall provide quarterly written reports to the district in a form prescribed by the district.

(Am. Ord. 2002-02, passed 10-21-02)

900.12.2. Each quarterly report shall contain, at a minimum, for each type of material received or processed during the quarter:

900.12.2.1. Weight by ton;

900.12.2.2. Name and location of market to which the material was sold or delivered;

900.12.2.3. Average price per ton received; and

900.12.2.4. Inventory (in tons) of material in storage.

900.12.3. Each quarterly report shall contain the certification that, based on the inquiry of the person(s) who manage the system or those persons directly responsible for gathering the information, the information is, to the best of their knowledge and belief, true, accurate and complete.

900.12.4. Each collector or owner which provides its own collection services under 900.08 of this section and any yard waste compost facility shall submit quarterly reports to the district of the tonnage of yard waste collected and disposed.

(Am. Ord. 2002-02, passed 10-21-02)

900.12.5. Each collector shall provide the City and the district with an opportunity to inspect current customer lists.

900.13 Nuisance. No owner or occupant shall permit any accumulation or storage of solid waste which shall cause a nuisance or unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin.

900.14 Unauthorized Deposit Of Solid Waste. No person shall:

900.14.1. Deposit solid waste, recyclable materials, demolition debris or yard waste upon any public or private highway, street, road or right-of-way; deposit solid waste, recyclable materials, demolition debris or yard waste upon or within any river, creek, stream, lake, waterway or other body of water of any kind or character; or deposit solid waste, recyclable materials, demolition debris or yard waste on the property of another;

900.14.2. Cause, maintain or permit the accumulation of solid waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin; or

900.14.3. Deposit solid waste, recyclable materials, demolition debris or yard waste within the City in any manner that shall violate the provision of this section.

900.15 Enforcement and Inspection.

900.15.1 General. Inspection and evaluation of containers and collectors shall be made by the City in such frequency as to insure consistent compliance by the owners, occupants and collectors with the provisions of this section. Each owner, occupant or collector shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the correction shall be accomplished. Each owner, occupant or collector shall be required to allow free access to authorized representatives of the City, or to authorized representatives of any other governmental agency at any time for the purpose of making the inspections as may be necessary to determine compliance with the requirements of this section, or any other applicable statute, ordinance or regulation.

900.15.2 Private Property. The City shall have the right to inspect private property to determine if a container or collector is in accordance with the provisions of this section.

900.16 Violations and Remedies.

900.16.1 Equitable Relief. In the event of a violation of a threat or violation of this section, the attorney for the City may take appropriate action to enforce this section, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in district court, if necessary, to prevent, restrain, correct or abate the violations or threatened violations.

900.16.2 Costs as Special Assessment. If an owner or occupant fails to comply with the regulations in this section, the City may take the necessary steps to correct the violations and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the City Council, to the County Auditor as a special assessment against real property under M.S. Chapter 429, as it may be amended from time to time, or other similar law relating to special assessment.

900.17 Intent.

900.17.1. It shall be the express intent of this section, specifically the mandatory recycling provisions of this section, to require the recycling of recyclable materials within the City in order to aid the district in meeting the goals specified in M.S. Section 115A.551, as it may be amended from time to time.

900.17.2. It shall further be the express intent of this section to recognize that the district has regional authority for the solid waste generated by residents of the City. Therefore, where this section is in contradiction to the rules and regulations of the district, the rules and regulations of the district shall supersede the specific portions of this section in contradiction or contravention of the rules and regulations of the district. This section shall not govern or control the disposal of hospital waste, pathological waste, infectious waste, medical sharps, industrial solid waste and hazardous substances.

~~Section 905 – Water and Sewer~~910 – Stormwater Utility

~~**905.01 Purpose and Application.** The waterworks and sewer facilities owned by the City are declared to be and to constitute a public utility of the City, owned, operated, maintained, improved, extended and administered as a single undertaking to be known as the “Water and Sewer Utility.” The properties of the Water and Sewer Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, interceptor sewers, trunk connections, sewer and water mains, pumping stations, and all other parts and appurtenances of the foregoing which are useful or used in connection with the distribution of water and collection of sewer.~~

~~**905.02 Scope of Utility.** The properties of the Water and Sewer Utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the Water and Sewer Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available water and sewer service to the City and its inhabitants and businesses. The Water and Sewer Utility, and all of the assets of the Water and Sewer Utility shall at all times be under the management and control of the City Council.~~

~~**905.03 Policy in Regard to Improvements, Enlargements and Extensions.** The City Council shall use the Comprehensive Land Use Plan for the City as the principal guide for water and sewer extension decisions. Likewise, to improve the overall management of growth it is hereby declared to be the policy of the City, subject to modifications deemed necessary by the City Council, that the cost of capital improvements, enlargements and extensions of water or sewer be paid in the following manner for these circumstances:~~

~~—905.03.1. Where water mains not exceeding 12 inches or sanitary sewer mains not exceeding 10 inches in diameter are installed adjacent to residential properties and where water mains not exceeding 12 inches or sewer mains not exceeding 12 inches in diameter are installed adjacent to commercial properties, the cost thereof shall be assessed against the properties abutting on such improvements, in accordance with established city policies and applicable law. Water and sewer mains of the dimensions above described are referred to herein as “lateral” mains, and other mains are referred to as “trunk” mains.~~

~~—905.03.2. Where a trunk main is installed, the City Council and Utility Commission, upon advice of the City Engineer, shall estimate the cost of construction of a lateral main at the same time and place, and the estimated cost of a lateral main shall be assessed against the properties abutting on the trunk main in accordance with established City policies and applicable law. The actual cost for the trunk main less the amount assessed against the properties abutting on the trunk main shall be paid by the City from utility funds, sales tax revenues or other sources as determined by the City Council.~~

~~—905.03.3. Where a sewer main into which the wastewater from two or more lateral sewers is discharged and which subsequently discharges into a trunk or collector sewer and lift stations and/or a steel casing required for a highway crossing is installed for a project and/or other improvements are made that benefit a larger area than the abutting property, the cost of such improvements may be included in the cost of other present or future projects for the purposes of determining the cost of such projects.~~

~~—905.03.4. The provisions of this Section 905.03 are guidelines for the City Council to follow with regard to the matters set forth in this section. The City Council may act in variance from these guidelines if it determines to do so by a resolution wherein it sets forth its reasons for varying from the guidelines set forth in this section.~~

~~**905.04 Replacement and Depreciation Account.** The Water and Sewer Utility shall create and maintain a Replacement and Depreciation Account and a Development Account, into which there shall be credited and paid as received all net revenues in excess of current operating expenses, water and sewer hookup charges, water availability charges, sewer availability charges and charges in lieu of assessments. The City Council shall periodically determine what constitutes an adequate reserve for depreciation and replacement of existing water mains and sewer mains and appurtenances, which funds are to replace worn out or obsolete properties of the Water and Sewer Utility. Such funds shall be dedicated to the Replacement and Depreciation Account. The funds not so allocated to the Replacement and Depreciation Account shall be dedicated to the Development Account. Funds in the Development Account may be utilized by the City Council to make extensions, enlargements, or improvements to the Water and Sewer Utility as determined from time to time by the City Council.~~

~~(Ord. 2001-12, passed 12-17-01)~~

Section 906 – Stormwater Utility

906910.01 Definitions. The following words and phrases when used in this section shall have the meanings ascribed to them in this section unless the context otherwise clearly indicates.

906910.01.1 “Best Management Practices” or “BMP” shall mean the practices to prevent or reduce the pollution of the waters of the state, as defined by the MS4 Permit, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

906910.01.2 “City” shall mean the City of Hermantown.

906910.01.3 “City Clerk” shall mean the City Clerk as designated from time to time by the City Council.

906910.01.4 “City Code of Ordinances” shall mean the Hermantown Code of Ordinances, as it may be amended from time to time.

906910.01.5 “City Council” shall mean the City Council of the City. The City Council is the governing body of the City.

906910.01.6 “City’s Fee Schedule” shall mean the fee schedule established from time to time by City ordinance or resolution of the City Council.

906910.01.7 “Department” means the department of public works of the City.

906910.01.8 “Department Director” means the director of public works of the City, or his or her designee.

906910.01.9 “Equivalent Residential Unit” or “ERU” shall mean 9,100 square feet which has been determined to be the average impervious area of residential property within the City.

906910.01.10 “ERU Rate” shall mean the standard monthly fee charged per each ERU established from time to time by resolution or ordinance and set forth in the City’s Fee Schedule.

906910.01.11 “Exempt Property” shall mean property that is classified by St. Louis County Auditor, Minnesota with the following land use:

906910.01.11.1 Ag Non-Productive Contiguous

906910.01.11.2 Agricultural

906910.01.11.3 Assessed Elsewhere

906910.01.11.4 Cemeteries – Private

906910.01.11.5 Cemeteries – Public

906910.01.11.6 County Public Property

- 906910.01.11.7** County Public Service Enterprises
- 906910.01.11.8** Federal Public Property
- 906910.01.11.9** K-12 Schools – Public
- 906910.01.11.10** Managed Forest Lands
- 906910.01.11.11** Municipal – All Other
- 906910.01.11.12** Municipal Public Service Enterprises
- 906910.01.11.13** Non-Homestead Agricultural Land
- 906910.01.11.14** Vacant Land
- 906910.01.11.15** Rural Vacant Land
- 906910.01.11.16** State Administered Lands
- 906910.01.11.17** State Public Property
- 906910.01.11.18** Streets and Roadways
- 906910.01.11.19** Tax-Forfeited Real Estate

906910.01.12 “Impervious Area or Surface” shall mean a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

906910.01.13 “Municipal Separate Storm Sewer System” or “MS4” shall mean a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that are designed or used for collecting or conveying stormwater and owned and operated by the City. The Municipal Separate Storm Sewer System includes the City’s Stormwater Management Facilities for purposes of this Section **906910**.

906910.01.14 “National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Systems Permit” or “MS4 Permit” shall mean the general permit authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems.

906910.01.15 “Nonresidential Property” shall mean developed property that is not classified as Residential Property or Exempt Property. Property that has a mixture of residential and nonresidential uses shall be considered nonresidential.

906910.01.16 “Residential Property” shall mean developed property that is classified by St. Louis County, Minnesota Auditor with the following land use:

- 906910.01.16.1** Commons Area Assessed Parcel
- 906910.01.16.2** Non-Comm Seasonal Residential Recreational
- 906910.01.16.3** Residential 1 Unit
- 906910.01.16.4** Residential 2-3 Units
- 906910.01.16.5** Residential Non-Homestead (Single Unit)

906910.01.17 “Stormwater Management Facilities” are structural or nonstructural features that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

906910.01.18 “Stormwater Pollution Prevention Program” or “City SWPPP” shall mean a comprehensive program developed by the City to manage and reduce the discharge of pollutants in stormwater and from the City’s storm sewer system.

906910.01.19 “Stormwater Utility” shall mean the utility created by this Section **906910** to operate, maintain and improve the City’s Municipal Separate Storm Sewer System.

906910.01.20 “Stormwater Utility Fee” shall mean the charges established from time to time by ordinance or resolution and set forth in the City’s Fee Schedule.

906910.01.21 “U.S. Environmental Protection Agency” of “EPA” shall mean the agency of the United States federal government whose mission is to protect human and environmental health.

906910.02 Authority and Application. The Municipal Separate Storm Sewer System owned and operated by the City is hereby declared to be and to constitute a public utility of the City. The Stormwater Utility shall be operated as a public utility pursuant to the City Code of Ordinances and applicable provisions of Minnesota Statutes.

906910.02.1 The revenues of the Stormwater Utility shall be subject to provisions of this Section **906910** and Minnesota Statutes Section 444.075. The properties of the Stormwater Utility and all future improvements, extension and enlargements thereof, together with all cash and assets held in the Stormwater Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by maintaining and improving the Stormwater Utility as provided for in this Section **906910**. The Stormwater Utility, and all assets of the Stormwater Utility shall at all times be under the management and control of the City Council.

906910.02.2 The Stormwater Utility shall be part of the Public Works Department and shall be administered by the Department Director.

906910.03 Purpose. The purpose of the Stormwater Utility is to provide a funding mechanism for the following services:

906910.03.1 The administration, planning, analysis, installation, construction, operation, maintenance, and replacement of the Municipal Separate Storm Sewer System.

906910.03.2 The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices to reduce the introduction of sediment and other pollutants into local water resources.

906910.03.3 Other education, engineering, inspection, monitoring, testing, and enforcement activities as necessary to maintain compliance with local, state, and federal storm water requirements.

906910.03.4 Activities necessary to maintain compliance with MS4 Permit requirements established by the EPA, including preparation, implementation, and management of a City SWPPP to address the following control measures:

- 906910.03.4.1** Public education and outreach on storm water impacts.
- 906910.03.4.2** Public involvement/participation.
- 906910.03.4.3** Illicit discharge detection and elimination.
- 906910.03.4.4** Construction site storm water runoff control.
- 906910.03.4.5** Post-construction runoff control in new development and redevelopment.
- 906910.03.4.6** Pollution prevention for municipal operations.

906910.04 Rates and Charges. The City shall charge Stormwater Utility Fees to pay the operation costs described in Section **906910.03**. The Stormwater Utility Fees shall be established by the City Council in accordance with this Section **906910.04**. In establishing Stormwater Utility Fees, each parcel of property within the City shall be categorized as Residential, Nonresidential, or Exempt property. Stormwater Utility Fees for Nonresidential Property may be reduced through the application of stormwater credits as provided for by Section **906910.06**. Stormwater Utility Fees for Residential Property shall be fixed. The Stormwater Utility Fees established herein shall be the joint and several responsibility of the owner, lessee and the occupant of each parcel of property subject to the Stormwater Utility Fee and shall be subject to recovery in accordance with Section **906910.11**.

906910.04.1 Established ERU. The average impervious area of residential property shall be equal to 9,100 square feet, making 1 ERU equal to 9,100 square feet.

906910.04.2 Minimum Stormwater Utility Charges.

906910.04.2.1 The minimum monthly Stormwater Utility Fee applied to any Residential Property or Nonresidential Property shall be equal to the ERU Rate.

906910.04.2.2 No fee shall be charged to a Nonresidential Property that has no impervious surface.

906910.04.03 Residential Property. The monthly Stormwater Utility Fee for Residential Property shall be equal to the ERU Rate.

906910.04.4 Nonresidential Property. Subject to Section **906910.04.2**, Nonresidential Properties shall pay a Stormwater Utility Fee in an amount proportional to the amount of impervious area within the property. The monthly Stormwater Utility Fee for Nonresidential

Property shall be the ERU Rate multiplied by the ERU (numerical factor obtained by dividing the property's Impervious Area by 9,100 rounded to the nearest ERU).

906910.04.5 Exempt Property. Exempt Properties are not subject to Stormwater Utility Fees.

906910.04.6 Estimated Charges. If, for any reason, precise information related to the use, development or area of a property is not available; then Stormwater Utility Fees for such property shall be estimated and billed, based upon information then available to the City.

906910.05 Adjustments to Charges. Stormwater Utility Fees may be adjusted under any of the following conditions:

906910.05.1 The estimated expenditures for management of the City's MS4 shall be reviewed by the City Council from time to time. The ERU Rate shall be adjusted accordingly to meet the estimated expenditures. The rate will not increase until after December 31, 2021.

906910.05.1.1 Prior to any increase in the ERU Rate or any change in the ERU, the City Council will hold a public hearing at a regular City Council meeting.

906910.05.2 As property is developed or redeveloped, Stormwater Utility Fees shall be recalculated based on the revised amount of Impervious Area on the property after such property is developed or redeveloped and the other provisions of this Ordinance.

906910.06 Credits for Nonresidential Property.

906910.06.1 The Department Director may provide for the adjustment of Stormwater Utility Fees for property if BMPs or other stormwater management practices are employed on-site that reduce the quantity or improve the quality of stormwater runoff from the parcel pursuant to City Code of Ordinances Section 1080.

906910.06.2 The Department Director shall establish a credit application form for credits. It shall be the responsibility of the property owner to provide justification and any required documentation for the credit adjustment.

906910.06.3 Credit applications are subject to approval by the Department Director. The City may from time to time by resolution or ordinance establish a fee for the review and processing of credit applications as set forth on the City's Fee Schedule.

906910.06.4 Property subject to a minimum Stormwater Utility Fee shall not be eligible for credits.

906910.06.5 Nonresidential Property BMPs or stormwater management practices are subject to the inspection, maintenance, and repair requirements set forth in the MS4 Permit and/or the City Code of Ordinances, as it may be amended from time to time. A Nonresidential Property

that is deemed noncompliant or in violation of the maintenance and repair requirements established in the MS4 Permit and/or the City Code of Ordinances shall not be initially eligible for credits. Approved credits may be rescinded by the Department Director if the Department Director determines that the Nonresidential Property BMPs or stormwater parties are non-compliant or in violation of the maintenance and repair requirements established under the MS4 Permit and/or the City Code of Ordinances. The Department Director shall notify the owner, lessee and occupants of the Nonresidential Property in writing of his/her determination of noncompliance and provide the owner, lessee and/or occupant a reasonable time within which to remedy the noncompliance. If the owner and/or occupant does not remedy the noncompliance within the time period by the Department Director, then the Department Director may rescind the credits for such property effective as of the second month following the rescission of the credits. A Nonresidential Property for which credits have been rescinded shall not be eligible to apply for credits for five (5) years after the effective date of the rescission of the credits.

906910.06.6 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 906910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for water quality (total suspended solids and/or phosphorous).

906910.06.7 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 906910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for rate control and detention.

906910.06.8 Credits are cumulative and shall not exceed 50% of the Stormwater Utility Fee determined by operation of Section 906910.04.

906910.07 Adjustment to Impervious Area Determinations. If the amount of Impervious Area on a nonresidential property differs from the amount determined by the City, the owner or manager of the nonresidential property may request a recalculation. It is the responsibility of the owner or manager or any nonresidential property to provide the City with necessary surveys and other information as the City may reasonable request to determine if a property qualifies for an adjustment to the Impervious Area determination. Requests for adjustments shall only be reviewed upon receipt of all requested information by the City. Any approved adjustment shall be effective the next billing cycle following approval.

906910.08 Adjustment Determinations. Impervious Area adjustments made by Section 906910.07 and Credit adjustments made by Section 906910.06 and denials of adjustments shall be made in writing by the Department Director. No credits may be applied retroactive for any approved requests for credits made after January 1, 2020.

906910.09 Appeal. Any property owner who has been denied an adjustment may request review and re-computation of said fee. Such appeals shall be made by filing a written notice of appeal with the City Clerk. The City's Utilities Commission shall hear the appeal and affirm,

modify or reverse the adjustment determination applying the standards established in this Section ~~906910~~.

~~906910.10~~ Billing Method. The City will compute Stormwater Utility Fees. Stormwater Utility Fees shall be collected by the City together with other City fees through the City billing system, or by any other method approved by the City. The City may provide for penalties and interest for late payments. Any such penalties and interest shall be as set forth on the City's Fee Schedule as adopted from time to time by resolution or ordinance of the City.

~~906910.11~~ Delinquent Accounts. Delinquent and unpaid Stormwater Utility Fees may be certified to the St. Louis County Auditor for collection with real estate taxes during the following year or any year thereafter in the manner prescribed in City of Hermantown's Policy adopted October 6, 2014, titled: Delinquent Utility Bills – Certification on Property Taxes, as it may be amended from time to time, pursuant to Minnesota Statute 444.075.

(Am. Ord. 2018-11, passed 11-19-18)

Section ~~910920~~ - Wastewater System and Sewer Utility

~~910.01920.01~~ Purpose and Application. The sewer facilities owned by the City are declared to be and to constitute a public utility of the City, owned, operated, maintained, improved, extended and administered as an undertaking to be known as the "Sewer Utility." The properties of the Sewer Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, interceptor sewers, trunk connections, pumping stations, and all other parts and appurtenances of the foregoing which are useful or used in connection with the collection of sewer.

~~920.02~~ Scope of Utility. The properties of the Sewer Utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the Sewer Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available sewer service to the City and its inhabitants and businesses. The Sewer Utility, and all of the assets of the Sewer Utility shall at all times be under the management and control of the City Council.

~~920.03~~ Policy in Regard to Improvements, Enlargements and Extensions. The City Council shall use the Financial Management Plan and other appropriate methodology of the City as the principal guide for sewer extension decisions.

~~920.04~~ Definitions. Unless the context otherwise clearly indicates, the words and phrases used in this section shall have the meaning ascribed to them in ~~920930~~.01 of this Chapter.

~~910.02920.05~~ Wastewater Facilities System Continued.

910.02920.05.1 Continuation. There shall be continued a City Wastewater Treatment Facilities System (“City’s Sanitary Sewer System”). The City’s Sanitary Sewer System shall include all City owned lateral, main and interceptor sewers, wastewater pumping stations, equipment and other works and facilities, whether presently existing or acquired after the enactment date of this Code, as shall be found necessary to establish and maintain the City’s Sanitary Sewer System in operating condition adequate to collect and transmit all wastewater of the City which is discharged into the City’s Sanitary Sewer System to the Wastewater Treatment Facilities of the WLSSD.

910.02920.05.2 Intent. It is hereby declared and ordained that the continued operation of the City’s Sanitary Sewer System is necessary for the public health, safety, welfare and convenience of the City and its inhabitants; that the City’s Sanitary Sewer System will constitute and be a public utility that confers direct and indirect benefits to the City and for which reasonable rates and charges may be imposed.

910.03920.06 User Charge System Continued.

910.03920.06.1 Continuation. For the purpose of distributing amongst users within the City, the charges made to the City by the WLSSD for the City’s proportionate share of the operation, maintenance, including replacement and debt service of WLSSD Wastewater Treatment Facilities, a User Charge is hereby continued.

910.03920.06.2 Collection. The User Charges provided for in this subsection shall be collected by the City through a monthly billing and collection procedure to be established from time to time by the City and the procedure shall be effective upon approval of the Council by resolution. The procedure shall include a late payment penalty provision.

910.03920.06.3 Responsibility for Payment. The owner of premises which are connected to the City’s Sanitary Sewer System, the occupant thereof, and the user of the service, shall be jointly and severally liable to pay for the service to the premises and the service shall be furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services, shall be jointly and severally liable to the City for the services. A claim for unpaid charges which shall have been billed to the occupant of the premises or the user of the service may be recovered against the owner, occupant or user in a civil action in any court of competent jurisdiction or in the discretion of the City may be certified to the County Auditor to be collected with taxes against the premises so served in accordance with the provisions of Section ~~920930~~.09.8. Money paid to the County Auditor on the account shall belong to the City and shall be remitted to the ~~Finance Director~~City by the County Auditor in the manner provided by law for the payment of other money belonging to the City. In addition to, and not in lieu of, the foregoing method of enforcing payment of the charges, the City may, according to the rules and regulations as it may have established and the Council shall have by resolution approved, cause the City water supply for and to any premises to be shut off until all arrears, with penalties on the delinquent charges, shall be paid, together with the cost of shutting off and turning on the water.

910.03920.06.4 Charges; Volume Based. Except as otherwise provided in this section, for the purpose of determining the charge to be rendered against premises using the City's Sanitary Sewer System and the WLSSD Wastewater Treatment Facilities, the volume of Wastewater discharged into the City's Sanitary Sewer System by the owner, user or occupant of any premises having any direct or indirect connection with the system shall be deemed to be and shall be based and computed upon the amount of water used on the premises.

910.03920.06.4.1. In all cases where the premises obtain water from the City's water supply, the volume of water used on any such premises shall be determined by the water meter readings made by the City.

910.03920.06.4.2. In all cases where the water used on the premises is derived in whole or in part from sources independent from the City, water used thereon which is supplied from private sources shall be measured by a water meter ~~of a type approved~~ provided by the City to be installed by a licensed plumber at the owner, user, ~~or occupant of the premises at his or her own~~ occupant's cost and subject to the supervision and inspection of the SuperintendentPublic Works Director. User Charges against the premises shall be based upon the volume of water used thereon, as measured from both public and private sources. Whenever the owner, user or occupant fails to install the meter, or where it is not practicable to measure the water consumed on any premises by a meter, the City shall ~~determine in such manner and by such methods as it may find practicable considering conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharges into the system. The estimate shall be used in lieu of the meter volume of water from private sources to determine the user charge thereon and therefore~~ charge a monthly rate set forth in the City's Fee Schedule.

910.03920.06.5 Charges; Special. Where the owner, occupant or user of the service has been required by the SuperintendentPublic Works Director or the WLSSD as authorized by this Section 910920 of the City Code, to install meters or other measuring devices that serve to demonstrate the volume of wastewater being discharged to the City's System and the WLSSD's Wastewater Treatment Facilities, the volume of Wastewater as so measured shall be the basis upon which the charges to be made under this section shall be determined.

910.03920.06.6 Cost Recovery. For the purpose of recovering from users the cost of operation, maintenance, including replacement, and debt service of the City's System, there shall be continued and shall be collected a user charge based upon the volume of Wastewater discharged to the City's System and determined as in 910.04920.07 provided and in accordance with rates determined and established by resolution of the City Council from time to time. Until so modified by Council resolution, the rates presently in effect in the City shall continue.

910.03920.06.7 Industrial Costs. Charges made to the City by the WLSSD in accordance with the industrial cost recovery requirements of Title II of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251 *et seq.*, as it may be amended from time to time, shall be apportioned among industrial users within the City in accordance with the *WLSSD Industrial Cost Recovery Classification System*, 1976, a copy of which shall be on file in the office of the City Clerk.

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910.04920.07 Unpolluted Water Surcharge.

910.04920.07.1 Establishment of Unpolluted Water Surcharge. For the purpose of recovering the increased cost to the City caused by the discharge of Unpolluted Water into the City's System there shall be hereby established, in addition to the User Charge otherwise established and charged pursuant to this section an Unpolluted Water surcharge.

910.04920.07.2 Procedure for Establishing Unpolluted Water Surcharge.

910.04920.07.2.1 ~~Utility Commission~~. The City Council of the City shall be authorized to proceed under the procedures set forth in 910.04920.07.2.2 or 910.04920.07.2.3 of this subsection in establishing a charge for the discharge of Unpolluted Water into the City's Sanitary Sewer System. The City Council may proceed as set forth in such parts of this subsection as may from time to time be determined by it.

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910.04920.07.2.2 City Wide Charge.

910.04920.07.2.2.1. The City Council may impose a surcharge on all of its sewer customers equal to an amount determined by the City Council to be the total cost to the City of treating Unpolluted Water. The amount shall be determined by subtracting the amount of water sold by the City Council to its sewer customers from the total amount of water for which the City Council is charged by the WLSSD and multiplying the resulting amount by the charge imposed on the amount by the WLSSD. The surcharge imposed on any customer may be eliminated upon the customer verifying his, her or its compliance with the terms of 910.04920.07.2.3, that prohibits connections of sources of Unpolluted Water to be made to the City's Sanitary Sewer System. In order to remain eligible to receive the elimination of the surcharge, the sewer customer shall have his, her or its compliance with the terms of 910.04920.07.2.3, verified annually. In the event that the City determines that a sewer customer is no longer in compliance with the terms of 910.04920.07.2.3, by inspection or if the sewer customer fails to allow an inspection after request by the City, the customer shall once again be subject to the Unpolluted Water surcharge.

910.04920.07.2.2.2. The amount of the Unpolluted Water surcharge shall be recalculated by the City every six months, with the cost of treatment of Unpolluted Water being divided amongst the sewer customers who have not been determined to be eligible for the elimination of the Unpolluted Water surcharge.

910.04920.07.2.3 Individual Users Determined.

910.04920.07.2.3.1. The City Council may impose an Unpolluted Water surcharge on individual users as provided herein. If the ~~Superintendent~~Public Works Director has reason to believe that a sewer customer is discharging Unpolluted Water into the City's Sanitary Sewer System, he or she shall so notify the City Administrator. The City Administrator shall then inform the sewer user by mail that the City intends to impose on the customer an Unpolluted Water surcharge and the amount of the proposed surcharge, which shall be an amount estimated to be the amount of Unpolluted Water being discharged into the City's Sanitary Sewer System

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multiplied by the usual sewer rate as set by the Fee Schedule, as it may be amended from time to time.

(Am. Ord. 2009-04, passed 8-3-09)

910.04920.07.2.3.2. The notice shall also inform the sewer customer that the Unpolluted Water surcharge shall be imposed as of the first day of the first month after the expiration of the ten day notice period specified in the notice. Within ten business days after the mailing of the notice, the sewer customer may request, in writing, an inspection of his, her or its property by the City. Upon receipt of the request, the City Administrator shall have the property inspected to determine if Unpolluted Water is being discharged into the City's Sanitary Sewer System.

910.04920.07.2.3.3. If the inspection reveals that no Unpolluted Water is being discharged and the sewer customer signs a written statement stating that the sewer customer shall not change, alter, modify or reconfigure the property or his, her or its water or Wastewater disposal system in such a way as to discharge Unpolluted Water into the City's Sanitary Sewer System, no surcharge shall be imposed after the inspection has been completed. The City Administrator shall notify the sewer customer in writing of the decision on whether or not a surcharge shall be imposed. Within ten business days after the mailing of the notice, a sewer customer may file a written objection with the City Administrator and request an appeal to the Hermantown Utility Commission.

910.04920.07.2.3.4. The failure to file the objection shall be deemed to be a waiver of any right to object to the imposition of the Unpolluted Water surcharge. After the Unpolluted Water surcharge has been imposed, a sewer customer may at any time thereafter, not exceeding once per month, request an inspection of the property by the City. Upon receipt of the request, the City Administrator shall have the property inspected to determine if Unpolluted Water is being discharged into the City's Sanitary Sewer System. The procedures set forth in Section **910.04920.07.2.3.3** shall be followed after such inspection is completed.

(Am. Ord. 2014-06, passed 6-16-2014)

Section 920930 - Public Sewers and Private Disposal Systems

920930.01 Definitions. The following words and phrases when used in the definitions in Section **910920** and this section and when otherwise used in this chapter shall have the meanings ascribed to them in this section unless the context otherwise clearly indicates.

920930.01.1. "Authorized Inspector" shall mean an inspector authorized by the City.

920930.01.2. "Biochemical oxygen demand" or "BOD" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l) and as described in *Standard Methods*.

920930.01.3. “Building Drain” shall mean the 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 a building and conveys wastewater to the Building Sewer, beginning three feet outside the inner face of the building wall.

920930.01.4. “Building Sewer” shall mean the extension from the Building Drain to the Public Sewer, private sewer, Onsite Wastewater Disposal System or other place of disposal; also referred to as a sewer service line. Building Sewer shall include any Pump System utilized to convey Wastewater from the building to the Public Sewer. The property owner is the owner of and responsible for installation, repair and maintenance of the Building Sewer, including, without limitation, the Pump System.

920930.01.5. “City” shall mean The City of Hermantown.

920930.01.6. “City Council” shall mean the City Council of the City. The City Council is the governing body of the City.

920930.01.7. “Clean Water Act” shall mean The Federal Water Pollution Control Act (also referred to as the Clean Water Act,) as amended.

920930.01.8. “Combined sewer” shall mean a Sewer receiving both surface runoff and sewage.

920930.01.9. “Commercial wastewater” shall mean Wastewater emanating from a place of business of a commercial user.

920930.01.10. “County” shall mean St. Louis County.

920930.01.11. “County Health Department” shall mean the health department of the County.

920930.01.12. “Debt service charge” shall mean a charge to users of Wastewater Treatment Facilities for the purpose of repaying the cost of capital improvements to the Wastewater Treatment Facilities.

920930.01.13. “Engineer” shall mean the person designated as the City Engineer or the authorized deputy, agent, or representative of the City Engineer.

920930.01.14. “Extra strength waste” shall mean Wastewater having a BOD and/or T.S.S. greater than NDS and not otherwise classified as an incompatible waste.

920930.01.15. “Fee Schedule” shall mean the schedule of fees established from time to time by the City Council.

920930.01.16. “Flow” shall mean the quantity of Wastewater.

920930.01.17. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce and animal products, including the packaging of such products.

920930.01.18. “Industrial user” shall mean a user which discharges industrial Wastewater.

920930.01.19. “Incompatible waste” shall mean waste that either singly or by interaction with other wastes interferes with any sewage treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the WLSSD, creates a public nuisance or creates any hazards in the receiving waters of the Wastewater Treatment Facilities.

920930.01.20. “Infiltration/inflow or I/I” shall mean water other than Wastewater that enters a Public Sewer or service connection from the ground or from surface runoff through such means as defective pipes, pipe joints, connections or manholes or from sources such as but not limited to, roof leaders, cellar drains, area drains, foundation drains, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters or drainage.

920930.01.21. “Industrial wastewater” shall mean the liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, or business.

920930.01.22. “Load” shall mean quantities of Wastewater characteristics such as BOD, T.S.S., phosphorus or other constituents.

920930.01.23. “MPCA” shall mean The Minnesota Pollution Control Agency.

920930.01.24. “National Categorical Pretreatment Standards” shall mean federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned Wastewater Treatment Facilities, found at section 307(b) of the Clean Water Act.

920930.01.25. “National pollutant discharge elimination system permit or NPDES permit” shall mean a permit issued by the United States Environmental Protection Agency/MPCA setting limits on pollutant strength that a permittee may legally discharge into the waters of the United States pursuant to Sections 402 and 405 of the Clean Water Act.

920930.01.26. “Natural outlet” shall mean any outlet, including Storm Sewers and Combined Sewers, which flows into a water course, pond, ditch, lake or other body of surface water or ground water.

920930.01.27. “Normal Domestic Strength Waste or NDSW” shall mean Wastewater that has those characteristics ordinarily introduced by domestic users.

920930.01.28. “Onsite wastewater disposal system; individual sewage treatment system or ISTS” shall mean an arrangement of devices or structures for treating domestic or non-domestic Wastewater approved for use by applicable regulations of the state or county and located on or adjacent to the property of the generator of the Wastewater.

920930.01.29. “Operation, maintenance and replacement costs or OM&R” shall mean expenditures necessary to provide for the dependable, economical and efficient functioning of the Wastewater Treatment Facilities throughout their design life, including operator training and permit fees and the establishment of reasonable funds to offset depreciation of the Wastewater Treatment Facilities. Replacement refers to obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the Wastewater Treatment Facilities to maintain the capacity and performance for which such System was designed and constructed, not the cost of future replacement of the entire facility.

920930.01.30. “Permit” shall mean written authorization from the City to perform acts allowed or required by this section.

920930.01.31. “Person” shall mean any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment Facilities.

920930.01.32. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

920930.01.33. “Pretreatment” shall mean the treatment of Wastewater prior to introduction thereof into the City or the WLSSD Wastewater Treatment Facilities.

920930.01.34. “Private sewer or private wastewater disposal system” shall mean a privately owned sewer or privately owned Wastewater disposal system, including but not limited to a privately owned on-site Wastewater disposal system.

920930.01.35. “Properly shredded garbage” shall mean garbage and/or 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 the Sewer.

920930.01.36. “Public sewer(s)” shall mean any sewer or pumping facility owned or operated by the city or the WLSSD. Public sewer does not include any Building Sewer.

920930.01.37. “Pump system” shall mean a Pump System approved by the City that is part of a Building Sewer.

920930.01.38. “Residential user” shall mean a user of the Wastewater Treatment Facilities whose building is used primarily as a private residence and discharges NDSW.

920930.01.39. “Sanitary sewer” shall mean a Sewer that carries Wastewater and to which storm, surface and ground water are not intentionally admitted.

920930.01.40. “Service connection” shall mean the point at which the Building Sewer meets and is connected to the Public Sewer.

920930.01.41. “ISTS septage” shall mean high strength Wastewater derived from pumping the septic tank of an onsite Wastewater Treatment Facilities.

920930.01.42. “Remote facilities septage” shall mean the Wastewater derived from recreational vehicles; campers; portable toilets; boats, ships and other marine vehicles, and the like.

920930.01.43. “Sewer” shall mean a pipe or conduit that carries Wastewater or unpolluted storm, surface and groundwater.

920930.01.44. “Sewer availability charge or SAC” shall mean the fees and charges, if any, established from time to time by the City Council for access or connection to the Public Sewer.

920930.01.45. “Slug” shall mean a discharge of water or Wastewater which in load or flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of flow or load during normal operation and which may adversely affect the Wastewater Treatment Facilities and/or performance of the Wastewater Treatment Facilities.

920930.01.46. “State” shall mean the State of Minnesota.

920930.01.47. “State disposal system permit or SDS permit” shall mean a permit issued by the MPCA pursuant to M.S. section 115.07 for a disposal system as defined by M.S. section 115.01(5).

920930.01.48. “*Standard Methods*” shall mean the latest edition of *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation or EPA approved method listed in 40 CFR 136.

920930.01.49. “Storm sewer” shall mean a Sewer intended to carry unpolluted storm, surface and groundwater from any source.

~~—**920.01.50.** “Superintendent” shall mean the official of the City who is authorized to enforce the provisions of this section and Section 910, or his/her authorized deputy, agent or representative.~~

~~—**920 930.01.51.** “Suspended solids (SS) or Total suspended solids or (T.S.S)” shall mean the total suspended solids in Wastewater as determined under standard laboratory procedures as set forth in *Standard Methods*.~~

920930.01.52. “Toxic pollutant(s)” shall mean the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to section 307(a) of the Clean Water Act or M.S. section 115.01(20).

920930.01.53. “Unpolluted water” shall mean water which meets the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Sanitary Sewers and Wastewater Treatment Facilities provided.

920930.01.54. “User charge” shall mean a charge levied on the users of the Wastewater Treatment Facilities for the cost of operation, maintenance, including replacement and debt service.

920930.01.55. “Wastewater” shall mean combination of the liquid and water carried wastes from residences, business buildings, institutions, and industrial establishments. The term “Wastewater” also includes septage.

920930.01.56. “Wastewater treatment facilities or treatment facilities” or “Sanitary Sewer System” shall mean the land, devices, facilities, structures, equipment and processes owned or used by the City and the WLSSD for the purpose of the transmission, storage, treatment, recycling and reclamation of Wastewater, or structures necessary to recycle or reuse water including interceptor sewers and the disposal of residues resulting from such treatment. Outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Wastewater Treatment Facilities does not include Building Sewers.

920930.01.57. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

920930.01.58. “WLSSD.” shall mean the Western Lake Superior Sanitary District, a public corporation and political subdivision of the State of Minnesota established by Chapter 478, Laws of Minnesota, 1971, now codified as M.S. Chapter 458D.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.02 General Provisions.

920930.02.1. Purpose. The purpose of this section is to require and regulate the use of Public Sewers, Building Sewers and Private Sewers within the City.

920930.02.2. Construction. Except as specifically noted herein, it is the intent of the City that this section be consistent with the policies, procedures and ordinances of WLSSD to the extent possible. Except as specifically noted herein, if, at any time, any conflict should arise between any provision of this section and the policies, procedures and ordinances of WLSSD, the policies, procedures and ordinances of the WLSSD will in all cases be controlling.

920930.02.3. Severability. It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses and phrases of this section are severable, and if any

phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences; paragraphs and sections of this section.

920930.02.4. Methods Regarding Measurements, Tests, Analysis. All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this section must be determined in accordance with the provisions set out in *Standard Methods*. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the ~~Superintendent~~Public Works Director and Engineer.

920930.02.5. Amendments. This section cannot be amended except by further ordinance of the City.

(Ord. 2006-11, passed 12-19-06)

920930.03 Use of Public Sewers Required.

920930.03.1. Suitable Treatment. It shall be unlawful to discharge to any natural outlet within the City or in any area under jurisdiction of the City any Wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this section.

920930.03.2. Construction or Maintenance of Privies and Like Devices Prohibited. 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 Wastewater.

920930.03.3. Service Connection Required. The owner of any house or building of any character wherein or whereon Wastewater develops or occurs is hereby required at the owner's expense to install suitable Wastewater collection facilities therein or thereon.

In the case of new construction or new use the owner shall install a suitable Building Sewer and connect the Building Sewer directly with the Public Sewer in accordance with the provisions of this section at the time of construction. In the case of an existing house or building such connection shall be made when any of the following occur:

920930.03.3.1. The existing Onsite Wastewater Disposal System on such property is determined to be failing, based on inspection by the St. Louis County Health Department pursuant to St. Louis County Ordinance 55, Section 6.

920930.03.3.2. The house or building is remodeled to add bedroom(s), and/or bathrooms, and/or additional kitchen facilities.

920930.03.3.3. The ownership of the property is transferred from one owner to another so as to require a point of sale inspection pursuant to St. Louis County Ordinance 55, Section 6

and the point of sale inspection indicates that the Onsite Wastewater Disposal System is noncompliant.

The foregoing connections shall be required provided that the Public Sewer is located within an easement or right of way adjoining the property and within 400 feet of the house or building to be connected to the Public Sewer.

(Am. Ord. 2011-08, passed 10-03-11) (Am. Ord. 2014-06, passed 6-16-2014)

920930.03.4. Assessments. Any assessments payable as a result of the construction of the Public Sewer adjacent to the property owner's property will be payable in the manner set forth in the resolution adopting the assessment roll for such Public Sewer even if a connection is not made to the Public Sewer. This section only provides the rules and procedure for required connections to the Public Sewer.

(Ord. 2006-11, passed 12-16-06) (Am. Ord. 2011-08, passed 10-03-11)

930.03.5. Sewer Availability Charge. ~~920.03.5.~~ The City shall impose a sewer availability charge ("SAC") for any new connections to the City sewer. The purpose of the SAC is to provide funds for the sewage collection system and the payment of capital charges used to finance the additions or expansions to the facilities and the payment of reasonable reserves for repair. The amount of the SAC shall be determined by the City.

930.03.6. The provisions of this section are applicable to property owners for Public Sewer mains no matter when constructed.

(Am. Ord. 2011-08, passed 10-03-11)

~~920~~ **930.03.67.** The policies and procedures adopted hereby are subject to the provisions of St. Louis County Ordinance No. 55, as it may be amended from time to time.

(Am. Ord. 2011-08, passed 10-03-11) (Am. Ord. 2014-06, passed 6-16-2014)

920930.04 Private Wastewater Disposal.

920930.04.1. Unavailability of Public Sewer. Where a public sewer is not available as described in section ~~920930~~.03 above, the Building Drain must be connected to an Onsite Wastewater Disposal System complying with the requirements of the County, the MPCA and all other regulatory agencies including U.S. Environmental Protection Agency Class 5 injection well regulations.

920930.04.2. Private Facilities Unlawful. Except as provided hereinafter, it is unlawful to construct or maintain any private Onsite Wastewater Disposal System or other private facility intended or used for the disposal of wastewater.

920930.04.3. Construction of Onsite Wastewater Disposal Systems. Before commencement of construction of a private Onsite Wastewater Disposal System the owner shall first obtain a written permit from the County Health Department.

920930.04.4. Compliance with County Requirements. The type, capacities, location and layout of a private Onsite Wastewater Disposal System shall comply with all requirements of the ordinances and regulations of the County and such other requirements as may be imposed by the MPCA, the State Department of Health, or other responsible agencies. No such system shall be permitted to discharge to surface water unless an NPDES permit to perform such a discharge has been obtained.

920930.04.5. Operation and Maintenance of Onsite Wastewater Disposal Systems. The owner, user or occupant shall operate and maintain the private Onsite Wastewater Disposal System in a manner which complies with applicable state and County regulations at all times and at no expense to the City.

920930.04.6. Availability of Public Sewers and Abandonment of ISTS. When and whenever Public Sewer becomes available to a property and such property is required to connect to the Public Sewer under Section 920930.03 and such property is served by an Onsite Wastewater Disposal System, use of the Onsite Wastewater Disposal System must be discontinued, and a service connection must be made to the Public Sewer within 90 days of receiving written notification that Public Sewer is available from the City and any septic tanks, cesspools, and similar Onsite Wastewater Disposal Systems must be abandoned and dealt with in accordance with current requirements of the County, the MPCA and all other regulatory agencies at the property owner's sole expense, unless such Onsite Wastewater Disposal System is legally incorporated into the design of the Building Sewer.

920930.04.7. Additional Legal Requirements. No provision of this section shall be construed to interfere with any additional requirements that may be imposed by the Minnesota Pollution Control Agency, the County, the WLSSD or the U.S. Environmental Protection Agency.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.05 Building Sewers and Connections.

920930.05.1. Permit Required.

920930.05.1.1. Except for City employees acting in the course of employment, no Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenances thereof without first obtaining a written permit from the ~~Superintendent~~Public Works Director.

920930.05.1.2. There shall be two or more classes of service connection permits:

920930.05.1.2.1. For users discharging domestic strength Wastewater to Public Sewers.

920930.05.1.2.2. For users discharging non domestic strength Wastewater to Public Sewer. In all cases, 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 SuperintendentPublic Works Director. A permit and inspection fee sufficient to defray the cost incidental to the processing of such connection permit including the cost of inspection of connection for each such class shall be established by resolution or ordinance of the City and shall be paid to the City at the time the application is filed. There shall be submitted to the SuperintendentPublic Works Director a report, in form and substance satisfactory to the SuperintendentPublic Works Director, which indicates that no Unpolluted Water will be discharged into the Public Sewer as a result of the service connection for which the permit is sought.

920930.05.1.2.3. 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.

920930.05.1.2.4. No Building Sewer connection permit shall be issued unless the SuperintendentPublic Works Director first determines that all City's Sanitary Sewer System and WLSSD Wastewater Treatment Facilities have sufficient capacity to accommodate the flow and load to be discharged as a result of such connection.

920930.05.1.2.5. Existing Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the SuperintendentPublic Works Director, to meet all requirements of this section.

920930.05.1.2.6. The size, slope, alignment, materials of construction of a Building Sewer, 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.

920930.05.1.2.7. 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 carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.

920930.05.1.2.8. No person shall make connection of roof downspouts, areaway drains, or other sources of Unpolluted Waters such as storm water, ground water, roof runoff, subsurface drainage, unpolluted industrial water or cooling water to a Building Sewer or Building Drain which is connected directly or indirectly to a Public Sewer.

920930.05.1.2.9. 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. All such connections shall be made gastight and watertight and verified by proper testing. The ~~Superintendent~~Public Works Director shall have authority to promulgate rules, regulations, and tests as to the manner in which connections shall be made and such rules, regulations and tests when so promulgated and filed with the City shall be met.

920930.05.1.2.10. The applicant for the permit must notify the ~~Superintendent~~Public Works Director when the Building Sewer is ready for installation of the connection to the Public Sewer. The area to be inspected must be open for inspection and backfilling must not have commenced. All connections to the Public Sewer must be made under the supervision of the ~~Superintendent~~Public Works Director.

920930.05.1.2.11. 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 ~~Superintendent~~Public Works Director.

920930.05.1.2.12. No private Building Drain may extend beyond the limits of the building or property for which the permit has been given.

920930.05.1.2.13. All Building Sewers, service connections, pumps and other equipment must, at all times, conform to specifications established by the city from time to time and be compatible with the Public Sewer to which the Building Sewer will be connected. The determination of whether the Building Sewer is compatible shall be made by the Engineer. Installation of a Building Sewer, service connection, Pump System or other equipment, which is not compatible with any other requirements of the City will be a violation of this section. The owner is obligated to keep the Building Sewer, including any Pump System, in good condition and repair. The City reserves the right to deny or discontinue service to a property served by a Building Sewer, service connection, pump or other equipment which is not compatible with the Public Sewer to which the Building Sewer is connected or does not otherwise comply with the requirements of this section or other requirements of the City.

920930.05.1.2.14. The City may, by resolution, adopt reasonable rules and regulations relating to sewer construction, use, maintenance, discharges, and deposit or disposal of all Wastewater, either directly or indirectly, within the City. Such resolution may adopt rules and regulations by reference.

~~—920.05.2.— 930.05.2. Sewer Availability Charge. The City may by resolution or ordinance impose a sewer availability charge ("SAC") with respect to any connection to the Public Sewer. Any required SAC shall be paid in cash or under a standard City utility contract prior to any connection being made to the Public Sewer.~~

~~—920.05.3. Pump Systems.~~ The owner of a property connected to the Public Sewer shall be the owner of the Building Sewer, including any Pump System which is part of the Building Sewer. The City will, as part of a construction project, designate the type of Pump System that must be utilized by an owner in the Building Sewer that will be connected to the Public Sewer. An owner must utilize the designated Pump System as part of its Building Sewer. The City may

also obtain, as part of construction projects, Pump Systems to provide to owners to utilize as part of the Building Sewer. The owner may obtain a pump from the City by entering into an agreement with respect to the Pump System that is provided by the City. The owner of the property shall be the owner of or responsible for the maintenance of any Pump System.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.05A Certificate of Building Sewer Compliance.

920930.05.1A.1 Definitions. All definitions set forth in Section 920930.01 are applicable to this Section 920930.05.1A. In addition, the following words and phrases when used in this Section 920930.05.1A and when otherwise used in this Chapter shall have the meanings ascribed to them in this Section 920930.05.1A unless the context clearly requires otherwise.

920930.05.1A.1.1 “Certificate of Building Sewer Compliance” means a certificate issued by the ~~Superintendent~~**Public Works Director** to verify that a Building Sewer is not contributing any material amounts of unpolluted water to the Public Sewer through the Building Sewer.

920930.05.1A.1.2 “Correction Notice” means the written notice issued by the ~~Superintendent~~**Public Works Director** to the Owner after review of an Inspection Report advising that the Owner’s Property is not in compliance with the requirements of this Section, and notifying the Owner of corrections to Owner’s Property needed to bring it into compliance in a timely manner.

920930.05.1A.1.3 “E-One Pump System” means a Building Sewer that is pressurized by the use of an E-One Pump System. For purposes of this 920930.05.1A, Building Sewer includes a Building Sewer that utilizes an E-One Pump Systems and all provisions related to a Building Sewer set forth in this Section apply to a Building Sewer that utilizes an E-One Pump System.

920930.05.1A.1.4 “Inspection Report” means the report required to be provided to the ~~Superintendent~~**Public Works Director** by the Owner pursuant to Sections 920930.05.1A.4 of this Ordinance.

920930.05.1A.1.5 “New Use” means that development or redevelopment of a property for a different residential, business or industrial use evidenced by the requirement of a building permit issued by the Hermantown Building Official or by other official governmental actions for such use.

920930.05.1A.1.6 “Owner” means the person(s) or entities that own or hold the title to the Property served by the Public Sewer.

920930.05.1A.1.7 “Owner’s Property” means the Property owned by a person who owns Property served by the Public Sewer.

920930.05.1A.1.8 “Property” means the land served by a Public Sewer.

920930.05.1A.1.9 “Notice to Inspect” means the written notice sent to the Owner by the SuperintendentPublic Works Director, which requires the Owner to obtain an Inspection Report and file it with the SuperintendentPublic Works Director.

920930.05.1A.1.10 “Sump Pump” means the pump and discharging pipes designed to remove liquids from the Sump and discharge them away from the building foundation.

920930.05.1A.2 Certificate of Building Sewer Compliance. If the Owner needs to obtain a Certificate of Building Sewer Compliance pursuant to Section 920930.05.1A.3, the Owner shall complete an application for a Certificate of Building Sewer Compliance on a form prescribed by the SuperintendentPublic Works Director. At the time of application, the Owner shall pay the fees in the amount set from time to time by the City of Hermantown.

920930.05.1A.3 Building Sewer – Mandatory Inspections and Testing.

920930.05.1A.3.1 Events Requiring a Building Sewer Inspection. Except as provided by Section 920930.05.1A.3.2, an Owner, or if applicable, all Owners of a common Building Sewer, shall have the Building Sewer inspected at the Property Owner’s expense when any of the following events occur:

920930.05.1A.3.1.1 If the SuperintendentPublic Works Director sends the Owner a written Notice to Inspect for an imminent threat to public health and safety reasons, the Building Sewer must be inspected not later than the 30th day after the date the Notice to Inspect is provided to the Owner.

920930.05.1A.3.1.2 Upon a determination by the SuperintendentPublic Works Director that the Owner of a structure with a new or existing connection to the Public Sewer must pay a Capacity Availability Fee as a result of a new use or anticipated wastewater flow increase calculated in accordance with the *WLSSD Capacity Availability Fee Procedures Manual* in effect at the time of the calculation.

920930.05.1A.3.1.3 Upon the proposed sale or the proposed transfer of title in Owner’s Property, or substantial change in use in the Property, the Owner shall obtain a Building Sewer inspection.

920930.05.1A.3.1.4 Upon repair or replacement of any portion of a Building Sewer.

920930.05.1A.3.2 Exceptions. The following are exceptions to the Building Sewer inspection requirements provided in Sections 920930.05.1A.3.1.1 ad 920930.05.1A.3.1.4:

920930.05.1A.3.2.1 Structures that were constructed ten (10) years or less prior to any event listed in Section 920930.05.1A.3.1.3;

920930.05.1A.3.2.2 Structures that have a Building Sewer that was replaced, relined or installed within ten (10) years prior to the event listed in Sections 920930.05.1A.3.1.3 and 920930.05.1A.3.1.4 and the Owner provides the SuperintendentPublic Works Director with

documentation that the replacement, relining or installation was satisfactorily completed in the prior ten (10) years;

920930.05.1A.3.2.3 Structures not connected to the Public Sewer; or

920930.05.1A.3.2.4 The Owner replaces or relines the Building Sewer upon the occurrence of one of the events in Sections **920930.05.1A.3.1.1** and provides evidence of such replacement or repair satisfactory to the SuperintendentPublic Works Director.

920930.05.1A.4 Building Sewer – Inspection Report – Requirements

920930.05.1A.4.1 Report Required. If an Owner is required to have an inspection performed for the Building Sewer under Sections **920930.05.1A.3.1.1** through **920930.05.1A.3.1.4**, or voluntarily has an inspection conducted for the Building Sewer, an Inspection Report must be provided to the SuperintendentPublic Works Director in the form set forth herein. The Inspection Report shall be prepared in a format acceptable to the SuperintendentPublic Works Director. An Inspection Report is not required if the Owner relines or replaces the entire Building Sewer after the inspection, and provides written evidence to the SuperintendentPublic Works Director proving that the relining or replacement was properly completed.

920930.05.1A.4.2 Inspection Report Standards. The Building Sewer Inspection Report required by Section **920930.05.1A** shall be prepared in accordance with the following requirements and specifications:

920930.05.1A.4.2.1 The Inspection Report shall be prepared by a licensed plumber or professional approved by the City of Hermantown Public Works Department.

920930.05.1A.4.2.2 The Inspection Report shall identify all of the following:

920930.05.1A.4.2.2.1 Any and all defects that could allow unpolluted water into the Building Sewer or otherwise create a maintenance issue in the Public Sewer, including all of the inspection criteria listed in Section **920930.05.1A.4.3**.

920930.05.1A.4.2.2.2 Whether any connection, by pipe or otherwise, allows unpolluted water to enter the Building Sewer or Public Sewer.

920930.05.1A.4.2.2.3 Date of the inspection.

920930.05.1A.4.2.2.4 Name of the person conducting the inspection, the license number of such person and the business employing the person.

920930.05.1A.4.2.2.5 A certification that the inspection of the Building Sewer was conducted using televised video.

920930.05.1A.4.2.2.6 A certification that no floor, roof, foundation and/or surface drains are physically connected to the Building Sewer.

920930.05.1A.4.2.2.7 If the Building Sewer was not able to be televised due to a blockage or debris in the Building Sewer, a certification that the Building Sewer was thoroughly cleaned prior to the video inspection.

920930.05.1A.4.2.2.8 If necessary, a recommended method for repair of the Building Sewer to eliminate any unpolluted water from entering into the Public Sewer.

920930.05.1A.4.3 Building Sewer Inspection Criteria. A Property complies with the provisions of this Section 940930.05.1A if the inspection verifies all of the following conditions:

920930.05.1A.4.3.1 The Building Sewer is free of roots, grease deposits, and other solids, which may impede or obstruct the transmission of sewage.

920930.05.1A.4.3.2 There are no improper or illegal connections to the Building Sewer such as sump pumps, down spouts or area drainage facilities.

920930.05.1A.4.3.3 All joints in the Building Sewer are tight and sound to prevent the exfiltration of sewage and the infiltration of groundwater, stormwater and rain water.

920930.05.1A.4.3.4 The Building Sewer is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets.

920930.05.1A.4.3.5 The Building Sewer is constructed with PVC sewer pipe or is relined and the Owner provides the ~~Superintendent~~Public Works Director with documentation that the relining was satisfactorily completed.

920930.05.1A.5 Compliance and Expiration.

920930.05.1A.5.1 Once a Certificate of Building Sewer Compliance is issued, that Building Sewer shall not require inspection for a period of ten (10) year from the date of issuance unless the ~~Superintendent~~Public Works Director has reason to believe the Building Sewer is in a defective condition.

920930.05.1A.5.2 A Certificate of Building Sewer Compliance is valid to be used for the transfer of property.

920930.05.1A.6 Correction Notice.

920930.05.1A.6.1 If an Inspection Report discloses that the use of the Property is not in accordance with the provisions of Section 920930, a Correction Notice may be issued by the ~~Superintendent~~Public Works Director requiring corrections to the Property to bring it into compliance. The corrections must be completed within the time specified in the Correction

Notice no later than 180 days from the date of the Correction Notice. Upon proof of satisfactory completion of the corrections, a Certificate of Building Sewer Compliance shall be issued.

920930.05.1A.6.2 A Correction Notice may be issued by the SuperintendentPublic Works Director permitting transfer of title of the Property if the following conditions are met:

920930.05.1A.6.2.1 An agreement by the Owner and transferee has been executed whereby the Owner and transferee agree to complete corrections to the Property necessary to bring it within compliance of the provisions of Section 920930 within one hundred eight (180) days of the transfer of Property, and agree that if acceptable proof that the corrections have been made are not provided to the SuperintendentPublic Works Director within one hundred eighty (180) days that the Property will be subject to surcharge in an amount to be determined from time to time by the City Council.

920930.05.1A.6.3 The Correction Notice is recorded with the County Recorder or Registrar of Title Office, as the case may be.

920930.05.1A.7 Failure to Comply; Penalty.

920930.05.1A.7.1 Owners not in compliance with this Section 920930.05.1A will be charged a monthly surcharge in an amount established from time to time by the City Council.

920930.05.1A.7.2 A surcharge in an amount set by separate resolution of the City Council is hereby imposed and added to every sewer billing to Owners who are not in compliance with the provisions of this Section 920930.05.1A. The surcharge shall be levied monthly on properties not complying with the provisions of this Section 920930.05.1A. This charge shall cease when the Property has been inspected and a Certificate of Building Sewer Compliance is issued by the SuperintendentPublic Works Director.

920930.05.1A.7.3 The City may also enforce the terms of this Section 920930.05.1A in any manner it deems appropriate as allowed by applicable law.

920930.05.1A.7.4 A violation of the provision of this Section 920930.05.1A.7.4 is a misdemeanor.

(Ord. 2020-02, passed 3-2-2020)

920930.06 Use of the Public Sewers.

920930.06.1. Unpolluted Water. No Unpolluted Water such as storm water, ground water, roof runoff, surface drainage, cooling water, etc. may be discharged to the Sanitary Sewer. Such water must be discharged only to storm sewers or to natural outlets approved by the City and other regulatory agencies. Industrial cooling water may be discharged, on approval of the Engineer, to a storm sewer or natural outlet, subject to approval and the issuance of a NPDES Permit.

920930.06.2. Septage. Remote facilities septage may only be discharged or deposited into the Sanitary Sewer at locations specifically designated by the WLSSD. No ISTS septage may be deposited in Public Sewers in the City.

920930.06.3. Prohibited Substances. No person(s) may discharge or cause to be discharged any of the following substances in or to the Public Sewer:

920930.06.3.1. Any 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 treatment facilities or to the operation of the treatment facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naphtha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

920930.06.3.2. Any substance which either singly or by interaction with other waste will injure or interfere with any waste treatment process or Wastewater Treatment Facilities, constitute a hazard to humans or animals in spite of treatment, create a public nuisance or create a hazard in the receiving waters of the Wastewater Treatment Facilities, including but not limited to cyanides in excess of federal and state requirements.

920930.06.3.3. Solid or viscous substances which may, either singly or by interaction with other wastes, cause obstruction to the flow in a sewer, or other interference with the proper operation of the treatment facilities such as, but not limited to, bone, fish heads, fish scales, fish entrails, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, sanitary napkins, feathers, tar, plastics, wood, garbage which is not properly shredded garbage, whole blood, paunch manure, hair and fletching, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

920930.06.4. Other Discharges. No person may discharge or cause to be discharged the following described substance, materials, waters or wastes if it appears likely in the opinion of the Engineer and/or ~~Superintendent~~**Public Works Director** that such wastes can harm either the Sanitary Sewers, sewage treatment process, or Wastewater Treatment Facilities, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Engineer and/or ~~Superintendent~~**Public Works Director** will give consideration to such factors as the district's NPDES Permit, the quantities of subject wastes in relation to the flow and velocities in the Sanitary Sewers, materials and construction of the Sanitary Sewers, nature of the treatment process, capacity of the Wastewater Treatment Facilities, degree of treatability of the Wastewater, and other factors deemed pertinent. The substances prohibited are:

920930.06.4.1. Any Wastewater that would directly or indirectly result in a violation of the WLSSD's NPDES Permit.

920930.06.4.2. Any liquid or vapor having a temperature higher than 150°F (65.6 °C), or causing, individually or in combination with other Wastewater, the influent at the treatment

facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the Treatment Facilities.

920930.06.4.3. Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (65.6° C).

920930.06.4.4. Any garbage that is not properly shredded garbage.

920930.06.4.5. Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCBs, and similar toxic or objectionable substances to such degree that any such material received in the composite sewage at the Wastewater Treatment Facilities exceeds the limits established by the MPCA for such unusual materials.

920930.06.4.6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the ~~Superintendent~~**Public Works Director** as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

920930.06.4.7. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the ~~Superintendent~~**Public Works Director**, in compliance with applicable state and federal regulations.

920930.06.4.8. Materials which contain or cause, whether alone or by interaction with other substances, release of noxious gasses or form suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that would interfere with the treatment facilities or create a condition deleterious to or cause disruption to the Wastewater Treatment Facilities and processes.

920930.06.4.9. Materials which contain or cause excessive discoloration which cannot be removed in the treatment process (such as, but not limited to, dye wastes and vegetable tanning solution), excessive BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant load on the treatment facilities, except by permit or agreement.

920930.06.4.10. Unusual volume of flow or concentration of wastes, which constitutes a slug.

920930.06.4.11. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are amenable to treatment only to such degree that the treatment facilities effluent cannot meet the requirements or cause a violation of the regulations of the agencies having jurisdiction over discharge to the receiving waters or are amenable to treatment only by the application of extraordinary processes.

920930.06.4.12. Wastewater with BOD or suspended solids levels greater than that defined as normal domestic strength waste, except as may be permitted by specific written agreement with the City.

920930.06.4.13. Wastewater contaminated by petroleum oil, fuel, organic solvents, or other toxic organic compound which contains more than 1 milligram per liter (mg/l) of any one of the following compounds; benzene, ethyl benzene, toluene, and xylene (BETX). The sum of these four compounds must not be over 3 mg/l. Diesel range organics (DRO) and gasoline range organics (GRO) must each be less than 100 mg/l each. Lead must be under 1 mg/l and mercury less than 0.3 ug/l. For hauled Wastewater the concentrations must be less than 3 mg/l each for BETX with the combined total less than 10 mg/l. DRO and GRO must be less than 100 mg/l, lead less than 1 mg/l, and mercury less than 0.3 mg/l.

920930.06.4.14. Wastewater containing substances which cannot be treated to produce effluent quality required by agreement for wastewater treatment with WLSSD or causing a violation of any applicable local, county, state, or federal regulation.

920930.06.4.15. Noxious or malodorous liquids, gases, or solids.

920930.06.4.16. Water or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the Wastewater Treatment Facilities effluent cannot meet the requirements of the NPDES Permit issued to the WLSSD or are amenable to treatment only by the application of extraordinary processes.

920930.06.5. Grease, Oil and Sand Interceptors. In Addition to the requirements of Section **970980**, grease, oil, sand and flammable liquids interceptors (sometimes called traps) must be provided at the owner's expense when required by the Hermantown Building Code or when, in the opinion of the **SuperintendentPublic Works Director**, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors must be of a type and capacity approved by the **SuperintendentPublic Works Director** and must be readily and easily accessible for cleaning and inspection. The owner will be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and must maintain a record of dates and means of disposal that are subject to review by the City. Any material removal and hauling must be performed by the property owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

920930.06.6. Pretreatment. Where pretreatment or flow equalizing facilities are provided or required for any water or wastes, plans, specifications, and any other pertinent information relating thereto shall be submitted for approval of the City and the WLSSD and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at the expense of the owner and may be subject to periodic inspection by the City and the WLSSD to determine that such facilities are being operated in conformance with the

applicable federal, state and local laws, regulations and permits. The owner shall maintain operating records.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.06.7. Metering and Testing of Waste.

920930.06.7.1. Metering and Testing Industrial Users. Where required by the City, industrial users must install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater. The manhole will be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the ~~Superintendent~~Public Works Director and the WLSSD.

920930.06.7.2. Laboratory Analysis. The City may require submission of laboratory analyses to illustrate compliance with this section and any special conditions for discharge established by the City or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this section must be determined in accordance with the latest edition of *Standard Methods*. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis by the City. The Industrial User must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The industrial user must report the results of measurements and laboratory analyses to the City as such times and in such manner as prescribed by the City. The industrial user must bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take its own measurements and samples for analysis by an independent laboratory.

920930.06.7.3. Metering and Testing of Nonresidential and Commercial Users. The City, in its sole discretion may require nonresidential users and commercial users to install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of wastewater as required in section 920930.06.7 for industrial users. The manhole must be installed by the owner at his/her expense, and must be maintained by him so as to be safe for use at all times.

920930.06.7.4. Water Meters. Where required by the City, water meters must be installed on a user's water supply lines to facilitate measurement of wastewater generated. The City will own, supply, install and maintain meters. The City will set a fee by resolution or ordinance to cover the costs of installation, maintenance, meter readings, etc. The meters must be accessible to the City at all times.

920930.06.8. Dilution of Discharges. No user may increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this article, the National Categorical Pretreatment Standards and any state or local requirement.

920930.06.9. Accidental Discharges.

920930.06.9.1. Where required by the city, users must provide protection from an accidental discharge of substances regulated by this section. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owners expense. Detailed plans and operating procedures of said facilities must be submitted to the Superintendent Public Works Director for review and approval prior to construction of the facility. Approval of such plans and operating procedures will not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this section.

920930.06.9.2. Users must notify the City and WLSSD immediately if a Slug or accidental discharge of wastewater occurs in violation of this section. Notification will allow measures to be taken to minimize damage to the treatment facilities. Notification will not relieve users of liability for any expense, loss or damage to the treatment facilities, or for fines imposed on the community by any state or federal agency as a result of their actions.

920930.06.10. Emergency Repairs. Notwithstanding anything in this section to the contrary, in the event of damage to sewers or the treatment facilities, which disrupts other users, the City may without notice repair such damage.

920930.06.11. Special Agreements or Arrangements. No provision contained in this section shall be construed as preventing any special agreement or arrangement between the City and the WLSSD, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City and the WLSSD for treatment. Provided that any such agreement shall establish that charges to user shall be in accordance with the City established user charges.

(Ord. 2006-11, passed 12-19-06)

920930.07. Damage to Wastewater Facilities Prohibited.

920930.07.1. Prohibited Activities. No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any Person violating this provision shall be guilty of a misdemeanor, shall be subject to immediate arrest, and shall be liable to the City and the WLSSD for the cost of making necessary repairs occasioned by such violation. No person shall install any Building Sewer, Pump System or other component part thereof that is not compatible with the Public Sewer to which the Building Sewer is connected. The Engineer shall determine whether any Building Sewer, Pump System or any component part thereof is compatible with the Public Sewer to which it is proposed to be connected or is connected.

920930.07.2. Deposits or Obstructions.

920930.07.2.1. No person may permit any substance or matter that 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 must make repairs as directed by the City or the WLSSD.

920930.07.2.2. If 48 hours after receiving written notice from the City the property owner has not commenced repairs, the City may have said work done and may collect such amounts from the property owner or, it may discontinue providing water service to such owner, it may block the service connection so that the Building Sewer is no longer connected to the Public Sewer or it may take any action it deems appropriate to cause such owner to make the required repairs.

920930.07.3. Unauthorized Discharges.

920930.07.3.1. In the event of discharges or proposed discharges to the Public Sewer that contain substances or possess characteristics prohibited in this section or which in the judgment of the SuperintendentPublic Works Director and/or Engineer may have a deleterious effect on the treatment facilities, processes, equipment, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Engineer and/or SuperintendentPublic Works Director may:

920930.07.3.1.1. Refuse to accept the wastes.

920930.07.3.1.2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to section 307(b) of the Clean Water Act and all addenda thereof.

920930.07.3.1.3. Require control over the quantities and rates of discharge.

920930.07.3.1.4. Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer access charges or sewer service charges.

920930.07.3.2. If the Engineer and/or SuperintendentPublic Works Director permits the pretreatment or equalization of flow, the design and installation of the plant and equipment are subject to review and approval by the district and subject to the requirements of all applicable federal and state codes, ordinances, and the National Categorical Pretreatment Standards.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.08 Powers and Authority of Inspectors.

920930.08.1. Right of Entry. The SuperintendentPublic Works Director and other duly authorized employees of the City and the WLSSD bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the Public Sewer in accordance with the provisions of this section. The SuperintendentPublic Works Director or other duly authorized employees of the City and the WLSSD shall be provided by users with such information concerning industrial processes as have a direct bearing on the kind and source of discharge to the Public Sewer.

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920930.08.2. Easements. The ~~Superintendent~~**Public Works Director** and other duly authorized employees of the City and WLSSD bearing proper credentials and identification shall be permitted to enter all private properties over which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater Treatment Facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the property involved.

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(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

920930.09 Penalties for Violation.

920930.09.1. Violation Unlawful. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this section 920930.

920930.09.2. Violation and Misdemeanor. Any person violating or found to have violated any provision of this section is guilty of a misdemeanor.

920930.09.3. Fines and Penalties.

920930.09.3.1. Any person who is convicted of a violation of this section 920930 will be subject to a fine and/or imprisonment in an amount and/or for a term not to exceed the maximums allowed by state law. In either case, the costs of prosecution as permitted by Minnesota Statutes, Rules of Court for the District Courts of Minnesota and the Minnesota Rules of Criminal Procedure will also be imposed.

920930.09.3.2. Each act of violation and every day on which any such violation continues is a separate offense.

920930.09.4. Collection.

920930.09.4.1. To collect delinquent sewer service charge accounts, the City may file a civil action suit or may certify unpaid charges and related expenses, including attorney's fees to the County Auditor with real estate taxes against the property served, for collection as other real estate taxes are collected.

920930.09.4.2. In the event the City charges a user/owner for the cost of any work permitted under this section, and such amounts are not immediately paid by the user/owner, the City may certify unpaid penalties and charges and related expenses including attorney fees, to the County auditor with real estate taxes against the property served, for collection as other taxes are collected.

920930.09.4.3. City may, from time to time, establish penalties for nonpayment of amounts due City from a user of the City's Sanitary Sewer System.

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920930.09.4.4. The landowner and the property served by a Public Sewer are obligated to pay any amounts due with respect to the Public Sewer serving such property and related to any violation of this section 920930.

920930.09.4.5. The provisions of this section 920930.09.4 are in addition to and not a substitute for the provisions of section ~~910.03920.06~~ of the Hermantown Ordinance Code. The remedies available to the City under section ~~910.03920.06~~ of the Hermantown City Code are available to collect amounts due the City under this section 920930.

920930.09.5. Liability. Any person violating any of the provisions of this section will become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation including attorney's fees.

920930.09.6. Enforcement Alternatives. Notwithstanding any provision in this section to the contrary, the City may use any remedy or alternative available in law or statute in the enforcement of this section, including, without limitation, criminal or civil actions, enforcement of the Hazardous and Substandard Buildings Act, M.S. sections 463.15 through 463.261, which is incorporated by reference as though fully set forth herein, discontinuing water or sewer service to the property relating to a violation of this section 920930 and exercising the remedies available to the City under section ~~910.03920.06~~ of the Hermantown City Code.

920930.09.7. Remedies Cumulative. Any remedies or penalties provided in this section are cumulative and in addition to any other remedies, either in law or equity, that may be available to City.

920930.09.8. Certification for Collection with Taxes. Unpaid charges for sewer charges shall not be certified to the St. Louis County Auditor until notice and an opportunity for a hearing have been provided to the owner of the property served by the Public Sewer. The notice shall be sent by first class mail to the address of the fee owner of the property as shown on the records of the St. Louis County Auditor and shall state that if payment is not made before the charges are certified for payment with the real estate taxes ("Certification Date"), the entire amount unpaid plus penalties will be certified to the St. Louis County Auditor for collection as real estate taxes are collected. The notice shall also state that the owner may, before the Certification Date, request a hearing on the matter to object to certification of unpaid utility charges.

~~The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but must include unpaid penalties.~~

If the owner requests a hearing, it shall be held promptly by the Utility Commission or such person or persons as may be designated from time to time by the City Council. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this section 920930.09.8, the City may certify by

resolution the unpaid charges to the St. Louis County Auditor for collection as other taxes are collected. Following any certification, the property owner shall have the following options:

920930.09.8.1. To pay the amount determined to be certified without additional interest if payment is made in full within ten days of the decision by the City Council (“City Council Decision Date) to certify the unpaid charges for collection with the real estate taxes.

920930.09.8.2. To pay the amount determined to be certified after the City Council Decision Date, but before November 15 of the tax year in which the certification is ordered, with interest at the rate set from time to time by resolution of the City Council, accrued after the eleventh day following the City Council Decision Date through the date of payment.

920930.09.8.3. To pay the certified charges with his/her/its real estate taxes in the year following the certification.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2014-06, passed 6-16-2014)

Section 930-940 – Water and Water Utility

930940.01 Definitions.

930940.01.1. “Assessment” shall mean basic charge required as a prerequisite to obtaining water service.

~~**930940.01.2.** “Commercial” shall mean any dwelling requiring over the minimum size service line or any business establishment or cemetery.~~

~~**930.01.3.** “Commission” shall mean the City Utility Commission.~~

~~**930940.01.43.** “Department” shall mean the Water-Utility Department in the City-headed by a Commission to conduct the City’s water business.~~

930940.01.54. “Industrial” shall mean diversified use of a property other than strictly residential.

~~**930.01.6.** “Residential” shall mean a single family dwelling or a parsonage and church combination on the same lot.~~

~~**930.01.7.**~~ **940.01.5.** “Service installation” shall mean installation of a water service line from the water main to a curb stop and box (shutoff valve).

~~**930.01.8-6.**~~ **940.01.6.** “Water service availability charge or WAC” shall mean water furnished the fees and charges, if any, established from time to time by the Department City Council for access or connection to the City water main.

~~**930.02**~~ **940.01.7.** “Water service” shall mean water furnished by the Department.

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940.02 Purpose and Application. The waterworks owned by the City are declared to be and to constitute a public utility of the City, owned, operated, maintained, improved, extended and administered as an undertaking to be known as the “Water Utility.” The properties of the Water Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, water mains, pumping stations, and all other parts and appurtenances of the foregoing which are useful or used in connection with the distribution of water.

940.03 Scope of Utility. The properties of the Water Utility and all future improvements, extensions and enlargements thereof, together with all cash and other assets held in the Water Utility shall be appropriated and dedicated to the purpose of insuring the public health, safety and welfare by furnishing and making available water service to the City and its inhabitants and businesses. The Water Utility, and all of the assets of the Water Utility shall at all times be under the management and control of the City Council.

940.04 Policy in Regard to Improvements, Enlargements and Extensions. The City Council shall use the Financial Management Plan and other appropriate methodologies for the City as the principal guide for water extension decisions.

940.05 Use of Water Restricted to Authorized Persons. No person, firm or corporation shall make, construct or install any water service installation, or make use of any water service connected to the City water system except pursuant to application and permit as provided in this section, nor shall any person, firm or corporation otherwise make, construct, install or make use of any installation connected to the City water system contrary to the regulatory provisions of this section.

930.03940.06 Applications.

~~— **930.03.1.** All applications for service installations and for water service shall be made to the Commission, on printed forms furnished by the Department and shall contain the name of the owner and a description of the property, lot and block, name of the street or road upon which the property fronts and the official street or road number or mail route number assigned to the premises as shown by the records of the City and the signature of the applicant agreeing to the rules and regulations that may be established by the Commission as conditions for the use of water.~~

~~— **930.03 940.06.1.** All requests for water service installation or transfer of water service shall be made to the Utility Department utilizing the appropriate form.~~

~~**940.06.2.** All applications for service installation to the property adjacent to an existing main shall be made by the owner of the property requesting service, or by his or her duly authorized agent, and shall state the size of service connection required by the ~~Commission~~Department, and the applicant shall, at the time of making application, pay to the Department the amount of the assessment, fees or deposits required for the service installation as provided in this section.~~

~~— **930.03.3.** All applications for service installation to property not adjacent to an existing main shall be made by the owner of the property requesting service, or by his or her duly authorized~~

~~agent, and shall state the size of service installation required by the Commission, and the applicant shall, at the time of making application, pay to the Department the amount of the assessment, fees or deposits required or provide the Department with an irrevocable bank commitment in the amount of the assessment, fees or deposits required for the service installation as provided in this section.~~

~~—930.03.4. All payments shall be made in cash or certified bank check. Bank commitments shall be called in for payment at the option of the Commission. When the commitments are called in, payment in the amount of the assessment, fees or deposits required shall be made to the Department within five calendar days of written notice, bank holidays, Saturdays and Sundays excluded.~~

~~—930.03.5. When service installations have been made, application for water service may be made either by the owner or his or her duly authorized agent.~~

~~—930.03.6. A permit shall be obtained to connect to the City water system. No permit shall be issued except to an agent authorized by the Commission.~~

~~930.04 940.06.3. A permit shall be obtained by an approved, licensed contractor through the City.~~

940.07 Service Charges.

930.04940.07.1 Service Installation Charges.

~~930.04940.07.1.1. The service installation charge periodically set approved by the Commission Council to be paid at the time application prior to water meter installation for routine water service shall be made shall include the charges by the Commission to the applicant for the cost of tapping the water main, installation of the corporation cock and installation of a water meter up to two inches in size which shall be performed by Department City employees.- The service line installation from the corporation cock to the water service in the improvements on the property including the curb stop and box, shall be performed by the applicant at the applicant's expense, under the direction and inspection of the Department. Any property with unique circumstances that result in excess time and labor expenses will be billed additional costs as calculated by the Public Works Director.~~

~~—930.04.1.2. For larger water services, including industrial installations, the amount of the service installation charge to be paid at the time application is made shall be fixed by the Commission, based upon the estimated cost of performing the installation services set forth above. Should the actual cost exceed the estimate, the excess shall immediately become payable to the Department. Should the actual cost be less than the estimate, the difference shall be immediately rebated by the Department.~~

~~—930.04.1.3. Additional charges for service installation to property fronting on paved streets or for frozen ground or rock encountered shall be fixed by the Commission based upon the estimated costs. Should the actual cost exceed the estimate, the excess shall immediately~~

~~become payable to the Department. Should actual cost be less than the estimate, the difference shall be immediately rebated by the Department.~~

~~930.04.1.4.~~ **940.07.1.2.** All service line pipes, stop cocks and other fixtures from the main line shall be laid and attached, kept in good repair, and protected from frost, at the expense of the owner of the property, but the service line shall remain under the control of the City.

~~930.04~~**940.07.2 Turn on Water.** ~~For~~A service charge shall be made for turning on water where service has been turned off for nonpayment of bills to the ~~Water~~Department, failure to repair a leak, discontinuance of service or any other cause,~~a service charge shall be made.~~

~~930.04.3 Commission to Set Charges.~~ The above charges due and payable to the department by each applicant either with or without the City for water service installations from the City water system or from any other governmental water system operating within the jurisdictional boundaries of the City shall, from time to time, be adjusted and fixed by the Commission.

930.05~~940.08~~ **Assessments.**

~~930.05.1.~~ Water service installation charges shall be paid for each installation made in the amount specified in 930.04. In addition, before any permit shall be issued, there shall be paid any sum required under this subsection and established pursuant to 930.26.

~~930.05~~ **940.08.1.** All assessments hereunder shall be made consistent with the procedures set forth in the City's Residential Road Assessment Policy found in the Handbook for the City of Hermantown.

940.08.2. An assessment for the water main and appurtenant facilities shall be paid for each installation made.

~~930.05~~**940.08.3.** The above charges due and payable to the ~~Department~~City by each applicant either within or without the City for water main assessment when water service is made from the City water system or from any other governmental water system operating within the jurisdictional boundaries of the township shall, from time to time, be adjusted and fixed by the ~~Commission~~Council.

930.05940.08.4.** Any part or parcel of industrial property, as defined in this section, removed therefrom and supplied by water therefrom shall thereupon and at that time be subject to payment of its appropriate assessment and other charges. It shall be the sole responsibility of the holders of industrial properties, as defined in this section, to notify the ~~Water Commission~~City prior to any such removal, sale or transfer of property.**

930.06 Accounts; How Kept. All accounts shall be kept on the books of the Department by the house and road or street name or number and under the account number assigned thereto and the name of the owner or of the person signing the application for service. All bills and notices sent out by the Department shall be sent to the house, street or road number of the property. If non-

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~~resident owners or agents desire personal notice sent to a different address, they shall file an application for personal notice with the Department. Any error in address shall be promptly reported to the Commission.~~

~~930.07~~ **940.08.5. Water Availability Charge.** The owner of the property desiring to connect such property to an existing City water main, where such property has not previously been connected to said main and has not been previously assessed for the cost of the main, may do so on the approval of the City and upon paying a water availability charge (WAC). The WAC shall be the proportionate cost of construction, maintenance and use of the main in question. Determination of the amount of such proportionate cost shall be made by the City upon the same basis as assessments then being charged against comparable benefited properties for water mains in the City.

940.09 Water Rates.

~~930.07~~**940.09.1 Commission Council Sets.** The rates due and payable to the Department by each water user either within or without the City of Hermantown for water taken from the City water system shall, from time to time, be fixed by the ~~Commission~~**Council**.

~~930.07.2~~ **Estimated Use.** ~~In case a meter used to measure the amount of water used is found to have stopped, or to be operating in a faulty manner, the amount of water used shall be estimated in accordance with the amount used previously.~~

~~930.07.3~~ **940.09.2 Construction and Temporary Uses.** When water is desired for construction purposes or other temporary uses, the owner shall ~~make application~~**contact the Utility Department** pursuant to the provisions of this section. The rates shall be fixed by the ~~Commission when the permit shall be issued.~~**Council.**

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~~930.07.4~~ **Meter Readings.** ~~A residential consumer shall read his or her own water meter, record the reading and return the meter card to the utility office within such time as may be designated on the card. The utility office shall determine the gallons consumed and the amount of each bill in accordance with the foregoing rates. Consumers shall be billed for water usage on the first of every other month.~~

~~930.07.5~~ **940.09.3 Meter Readings.** Meters are read electronically by the City on a monthly basis.

940.09.4 Fire Service.

~~930.07.5~~**940.09.4.1.** Should it be found that water not metered is used through a fire connection for any purpose other the extinguishing of fire upon the premises, the owner and occupant shall be notified and if such improper conditions shall not be corrected within five days, the water shall be shut off until proper adjustments shall be made, and the owner shall be subject to the penalties as provided in this section.

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930.07.5940.09.4.2. Regular inspections shall be made of all fire service connections with all piping, fire gates and other attached appurtenances.

930.07.5940.09.4.3. Authorized agents shall have access to the premises for the inspection and shall keep a record of all inspections made.

930.08940.10 Delinquent Water Accounts. All charges for water service shall be paid on or before the ~~tenth of each month subsequent to the bill due date of each billing,~~ and shall be delinquent 30 days thereafter. ~~Once delinquent, the City will follow its past due procedure, which includes notification, opportunity to discuss, and timing on possible disconnection.~~ It shall be the duty of the ~~Department to endeavor~~ City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, ~~instructions shall the past due procedure will be given to discontinue service by followed, which may result in~~ shutting off the water at the stop box. All delinquent accounts shall be certified to ~~the City St. Louis County to be paid on the following year's property taxes.~~ The Clerk ~~who~~ shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.

930.09940.11 Discontinuance of Service for Ordinance Violations. Water service may be shut off at any stop box connection whenever:

930.09940.11.1. The owner or occupant of the premises served, or any person working on the pipes or equipment thereon which are connected with the water supply system, has intentionally violated any of the requirements or provisions of the ordinances of the City relative to the water supply system.

930.09940.11.2. The owner or occupant of the premises served threaten to violate or cause to be violated any of the requirements or provisions of the ordinances of the City relative to the water supply system.

930.09940.11.3. Any charge for water, service, meter or any other financial obligations imposed on the present or former owner or occupant of the premises served, by the provisions of this section, is unpaid.

930.09940.11.4. Fraud or misrepresentation is committed by the owner or occupant in connection with an application for service.

~~**930.09.5.** The owner or occupant of the premises served fails to read his or her water meter, record the reading and return the meter card to the Hermantown Utility Commission as required under 930.07 of this section for two consecutive months or refuses to allow an agent of the Hermantown Utility Commission to read his or her meter upon reasonable request.~~

~~**930.09.6.**~~ **940.11.6.** The owner and occupant of the premises served has violated any of the requirements or provisions of this section or other applicable code provision.

930.10940.12 Deficiency of Water and Shutting off Water. The Department shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for firefighting; or in making repairs or construction of new works, water may be shut off at any time and kept shut off so long as necessary.

930.11940.13 Turning on Water. No person, except an authorized Department employee, shall turn on any water supply at the stop box without a permit from the Department. ~~No such permit shall be issued except to an agent authorized by the Commission.~~

930.12940.14 Supply from One Service. No more than one residential or commercial establishment shall be supplied from one service installation except by a special permission of the ~~Commission~~City Council. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building shall have a separate stop and box and a separate meter.

930.13940.15 Tapping of Mains Prohibited. No person except an agent authorized by the ~~Commission~~Department shall tap any distributing main or pipe of the water supply system, or insert stop cocks or ferrules therein.

930.14940.16 Ownership of Service Line. The service line from the house to but not including the stop cock is owned by the benefitted property. The service line from and including the stop cock to the main is owned by the City utility.

940.17 Repair of Service Line. It shall be the responsibility of the owner and/or occupant of the property served by a water service line to maintain the service line, including the curb stop and box, from the corporation cock into the house or building. If such owner and/or occupant shall fail to repair any leak occurring in the service line within 24 hours after verbal or written notice shall have been given to the owner or occupant of the property, as reflected in the records of the Department, the water service shall be turned off and shall not be reestablished until ~~the sum of \$15 shall~~all applicable fees have been paid. When the water being discharged from the service line is substantial or when damage is likely to result from the leak, the water service shall be turned off if the repair shall not be commenced immediately upon the giving of the notice.

930.15940.18 Abandoned Services; Penalties.

930.15940.18.1. All service installations connected to the water system, that have been abandoned or have not been used for three years or, for any reason, have become useless for further service, shall be disconnected at the main by the Department, and all pipe and appurtenances shall be the property of the City.

930.15940.18.2. When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be given until all the old service shall have been removed and the main plugged. If any contractor, workman or employee upon the building shall cause or allow any service pipe to be hammered together at the

ends to stop the flow of water, or to save expense in removing the pipe from the main, the owner of the building, the workman and contractor shall, upon conviction thereof be subject to the penalties set forth in 930.26940.29, and shall remove the service pipe from the main. If he or she shall fail to do so within 24 hours of notice he or she shall be obligated to pay the Department the cost incurred by it for the removal.

930.16940.19 Service Pipes.

930.16940.19.1. The size and type of all service pipes shall be ~~determined~~verified by the ~~Commission~~City.

~~—930.16.2.~~ **940.19.2.** All service pipes shall meet the City of Hermantown Standard Specifications for Construction. Every service pipe shall be laid sufficiently waving to allow not less than one foot of extra length and in such a manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven feet below the final graded surface, except as authorized by the Commission~~Department~~, and in all cases so arranged as to prevent rupture by freezing.

930.16940.19.3. Service pipes shall extend from the curb box to the inside of the building; or if not taken into a building then to the hydrant or other fixture which it is intended to supply. A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building well protected from freezing. ~~Copper tubing shall be used up to and including two inch services. Joints on copper tubing shall be kept to a minimum, with not more than one joint used for a service up to 70 feet in length.~~

930.16940.19.3. All services over two inches shall be cast iron except as authorized by the Commission~~Department~~. Connections with the mains for domestic supply shall be at least ¾-inch to one inch.

930.17940.20 Water Meters.

930.17940.20.1. Except for extinguishment of fires, no person except an agent authorized by the Commission~~Department~~ shall use water from the water supply system of the City or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the Commission~~Department~~. No person not authorized by the Commission~~Department~~ shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof.

930.17940.20.2. The Department shall maintain and repair all meters when rendered unserviceable through ordinary wear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, ~~any expense caused including frozen meters. Any expenses incurred by the Department thereby shall~~City due to neglect or carelessness of the owner or tenant may be charged against and collected from the water consumer or owner of the premises, and water service may be discontinued until the cause shall be corrected and amount charged collected.

~~930.17.940.20.3.~~ When a consumer makes a complaint that the bill for **Inaccurate Water Meters.** If any past service period has been excessive, and desires that the water meter be tested, the consumer shall then make a deposit of \$50 with the Department as prescribed below, and the Department shall test the meter. The consumer shall, if he or she so desires, be present when the test is made.

~~930.17.4.~~ In case a test should show an error of over 5% of the water consumed in favor of the Department, the deposit shall be refunded to the consumer, a correctly registering meter shall be installed and the bill shall be adjusted accordingly. The adjustment shall not extend back more than one service period plus one month from the date of the written request and the minimum charge shall working or in the judgment of the Public Works Director not be affected.

~~930.17.5.~~ In case the test shows an accurate making proper water measurement of water, the meter shall be repaired or an error in favor of the consumer, the replaced. The amount deposited shall be retained by the Department to cover part of the expense of making the test.

~~930.17.6.~~ Before making a test of any meter, the person requesting such a test shall, at the time of filing his or her request with the Department, make a deposit with the Department of the amount of water to be charged for the test, subject to the conditions stated above, which charges shall be established pursuant to 930.26. period of time that the meter was not making proper measurement shall be set by the City based on the customer's prior usage. Appeals of the Public Works Director's determination shall be heard by the Utility Commission.

~~930.17.7.940.20.4.~~ All water meters shall be and remain the property of the Department, and may be removed or replaced or changed as to size and type by the Department whenever deemed necessary.

~~930.17.8940.20.5.~~ Department employees delegated for that purpose 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 for reading of meters and inspections. The ~~Commission~~Department shall be authorized to make adjustments in water charges where in its opinion the amount billed shall be erroneous due to meter deficiency or other mistake.

~~930.18~~ **940.20.6. Temporary Meters.** For construction purposes or other applicable temporary uses that do not discharge into the public sewer system, the Department may issue permits for the use of a temporary meter for use on a City hydrant. The rate for the rental of the temporary meter shall be set in the City's Fee Schedule.

940.20.7 Irrigation Meters. For water dedicated solely to supplying an inground irrigation system, an irrigation meter may be connected to separately measure water used for irrigation that will not otherwise go into the public sewer system. An irrigation service line, the irrigation meter, and related appurtenances shall be installed in accordance with the same regulations, policies, and procedures that apply to non-irrigation meters. The cost of the permit for an irrigation meter shall be set in the City's Fee Schedule.

940.21 Water Meter Setting. All water meters hereafter installed shall be in accordance with the following rules:

930.18940.21.1. The service pipe from the stop and box to the meter, when the service pipe enters the building, shall be brought through the floor in a vertical position unless otherwise authorized by the ~~Commission~~Department. The stop and waste valve shall be installed about 12 inches above the floor.

930.18940.21.2. The meter shall be located so that the bottom is from six to 12 inches above the finished floor line. The meter shall be set not more than 12 inches measured horizontally from the inside line of the wall, unless an alternate method shall be approved by the ~~Commission~~Department. A suitable bracket to support the meter in a proper vertical position and to prevent noise from vibration shall be provided.

930.18940.21.3. All meter installations shall have a stop and waste valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter, and shall be within 12 inches of the meter.

930.18940.21.4. The water pipe connecting with the stop and box shall not be run under any floor for a distance of more than two feet, measured from the inside of the wall, before being connected to the water meter, unless otherwise authorized by the ~~Commission~~Department.

930.18940.21.5. All connections or devices for setting ¾-inch and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the house side stop and waste valve.

930.19940.22 Use of Fire Hydrants. No person except the ~~Superintendent~~Public Works Director or his or her agent ~~authorized by the Commission~~ or the Fire Department shall operate fire hydrants or interfere in any way with the City water system without first obtaining authority to do so from the ~~Commission or its authorized agent~~Department.

930.20940.23 Private Water Supplies. 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 and when such are found the ~~Commission~~Department shall notify the owner to disconnect the same, and if not done immediately, the water supply shall be turned off forthwith. Before any new connection to the City's system shall be permitted, the Department shall ascertain that no cross connections shall exist when the new connection is made.

930.21940.24 Use Confined to Premises. No person shall permit water from the City's water supply system to be used for any purpose except upon his or her own premises, as described in his or her original water service application.

930.22940.25 Connections Beyond City Boundaries. In any and all cases where water mains of the City have been or shall be extended to or constructed in any road, street, alley or public highway adjacent to or outside the City limits, the ~~Commission~~Department shall be hereby

authorized to issue permits to the owners or occupants of properties adjacent to or accessible to, the water mains to tap connections with the water mains of the City in conformity with and subject to all the terms, conditions and provisions of the ordinances of the City relating to the tapping of the City water mains and making water service pipe connections therewith, and to furnish and supply water from the water works system of the City to the owners and occupants of properties adjacent or accessible to the water mains of the City through and by means of water meters duly installed. Water service rendered to such persons shall be subject to all provisions of this section, and persons accepting the service shall thereby agree to be bound and obligated by the section.

930.23940.26 Restricted Hours for Sprinkling and Other Uses. Whenever the Department shall determine that shortage of water supply threatens the City, it may give notice that the times and hours during which water from the City water supply system may be used for lawn and garden sprinkling, irrigation, car washing, air conditioning or other uses specified therein are limited, a copy of the notice shall be posted at city hall, public service announcements and the police and fire buildings. Two days after the posting of the notice, any water customer who shall cause or permit water to be used in violation of the provisions of the notice shall be charged ~~\$50~~per the City fee schedule for each day of the violation, which charge shall be added to his or her next water bill. Continued violation shall be hereby prohibited and shall be cause for discontinuance of water service.

930.24940.27 Private Wells. Private wells may be maintained and continued in use after connection is made to the City water system provided there shall be no cross- connection between the private well and City water supply at any time.

930.25940.28 Permitting Use by Others. No person shall permit water from the City water supply system to be used for any purpose except upon his or her own premises except in emergency and then only if permission shall be first obtained from the ~~Commission~~Department. Contractors or others desiring to obtain water from hydrants for construction purposes shall make written applications to the ~~Commission~~Department for the service.

930.26940.29 Charges to be Set. The ~~Commission~~Council shall establish, by resolution, all charges required pursuant to the provisions of this section, including but not necessarily limited to:

- 930.26940.29.1.** Service installation charges pursuant to ~~930.04940.07.1~~;
- 930.26940.29.2.** Charges for turning on water pursuant to ~~930.04940.07.2~~;
- 930.26940.29.3.** Assessments pursuant to ~~930940.05.2~~;
- 930.26940.29.4.** Water rates pursuant to ~~930940.07.1~~;
- 930.26940.29.5.** ~~Testing charges pursuant to 930.17~~;

~~930.26.6.~~ Service charges for disconnection pursuant to 930.17940.18; and

930.26.7940.29.6. WAC charges and water availability charge.

Section 940950 - Fire Hydrants, Mains and Valves

940950.01 Unauthorized Use. It shall be unlawful for any unauthorized person to open or shut any service cock or fire hydrant or remove or unscrew, wholly or partially, the cap from such fire hydrant.

940950.02 Tampering and Damage. It shall be unlawful for any unauthorized person to modify, tamper with or damage any valve, main, fire hydrant or any other part of the City water system.

Section 950960 - Street Lighting and Traffic Signal Utility

950960.01 Purpose and Intent. The purpose and intent of this section is to establish a street lighting and traffic signal system (“Utility”) in order to help protect the health, safety, and welfare of the City's citizens, visitors and the general public by providing for the construction and maintenance of facilities to cast light on to municipal streets so as to promote safe travel for vehicles and pedestrians and providing for the construction and maintenance of traffic signals to control traffic flow at certain intersections. The Utility created hereby is not intended to provide security lighting for private parties.

(Ord. 2003-04, passed 7-7-03)

950960.02 Creation of Utility. The street lights and traffic signals owned or to be owned by the City are declared to be and constitute a public utility of the City, to be known as the Street Lighting and Traffic Signal Utility, herein after referred to as (“Utility”). The properties of the Utility shall include all systems, works, instrumentalities, equipment, materials, supplies, lights, poles, wires, cables, conduits and all other parts and appurtenances of the foregoing which are useful or used in connection with the operation and maintenance of street lights and traffic signals. The Utility shall at all times be under the management and control of the City Council.

(Ord. 2003-04, passed 7-7-03)

950960.03 Creation of Fund. There is hereby created a Street Lighting and Traffic Signal Utility Fund herein (“Fund”), into which all charges and monies collected under Ordinance No. 2003-03 will be deposited. The Fund shall at all times be under the management and control of the City Council.

(Ord. 2003-04, passed 7-7-03)

950960.04 Costs. The cost of installation of street lights and traffic signals on existing streets shall be the responsibility of the City. The cost of installation of street lights and traffic signals in

new subdivisions shall be the responsibility of the developer of a new subdivision. The developer of such new subdivision shall also be responsible for the operation and maintenance costs of street lights until the roads and lighting systems within the development are accepted by the City. The Fund will be used to pay for expenses of installation that are the responsibility of the City, and to pay for maintenance and operation of the street lights and traffic signals owned or accepted by the City.

(Ord. 2003-04, passed 7-7-03)

950960.05 Determination of Installation Sites. Street lights and traffic signals shall only be installed by the City where two or more public streets join or cross. The determination of the order of installation of street lights and traffic lights shall be at the discretion of the City Council. The installation sites for street lights and traffic signals shall be determined by the City Council.

(Ord. 2003-04, passed 7-7-03)

950960.06 City Liability. The City shall not be liable for injury or damage to persons or property caused by any decision made by the City Council pursuant to this section relating to the installation or non-installation of street lights or traffic signals, any failure of any street light or traffic signals or any other matter relating to the street lights or traffic signals under the control of the Utility.

960.07 Tampering. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Utility.

960.08 Access. The Public Works Director or any other duly authorized employee of the City bearing proper credentials and identification, shall to the fullest extent of the law, be permitted to enter all properties for the purposes of inspection, observation, measurement,

(Ord. 2003-04, passed 7-7-03)

Section **960970** – Locating Sewer and Water Laterals

960970.01 Definitions.

960970.01.1 Scope. The terms used in this section have the meanings given them.

960970.01.2. "Locate" means an operator's markings of an underground facility.

960970.01.3. "Meet," when used as a noun in this section, refers to a meeting at the site of proposed excavation requested at the time of notice by the excavator with all affected underground facility operators to further clarify the precise geographic location of excavating, schedule locating, propose future contacts, and share other information concerning the excavating and facilities.

960970.01.4. "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane, and sidewalk in which a government unit has an interest, including rights-of-way dedicated for travel purposes and utility easements of government units.

960970.01.5. "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a premises.

960970.01.6. "Locating wire" shall mean:

960970.01.6.1. For a sanitary sewer lateral installed by open trench a green jacketed direct burial #12 AWG steel core high strength tracer wire.

960970.01.6.2. For a sanitary sewer installed by directional boring a green jacketed direct burial #12 AWG solid steel core extra high strength horizontal directional drill tracer wire.

960970.01.6.3. For a water lateral installed by open trench a blue jacketed direct burial #12 AWG steel core high strength tracer wire.

960970.01.6.4. For a water lateral installed by directional boring a blue jacketed direct burial #12 AWG solid steel core extra high strength horizontal directional drill tracer wire.

(Ord. 2005-16, passed 1-9-06)

960970.02 Public Right-of-Way Mapping and Installation.

960970.02.1 Duty of City to Map. After December 31, 2005, the City shall maintain a map, a diagram or drawing, or geospatial information regarding the location of any service lateral within a public right-of-way installed after that date.

960970.02.2 Duty to Install Locating Wire. After December 31, 2005, the City shall install a locating wire or have an equally effective means of marking the location of each nonconductive service lateral within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility. As applied to this chapter, "minor repairs" means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

(Ord. 2005-16, passed 1-9-06)

960970.03 Locating a Service Lateral.

960970.03.1 Location of Service Laterals. After December 31, 2005 the City shall locate that portion of a service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way.

960970.03.2 Exception. The City is not required to locate a service lateral of a person who currently participates in the statewide notification system, provided the person and City mutually agree that the person will assume locate responsibilities. The agreement must be in writing.

960970.03.3 Pre-Existing Service Laterals. City shall advise that there is no information readily available for the locate of any service laterals installed prior to December 31, 2005 unless the information required to be maintained with respect to such service laterals after December 31, 2005 is available to the City for the service lateral to be located.

(Ord. 2005-16, passed 1-9-06)

960970.04 Private Service Laterals.

960970.04.1 Locating Wire Required. After December 31, 2005 the owner of any property upon which a water or sanitary sewer lateral is installed shall install a locating wire that marks the location of each underground non-conductive lateral from the connection to the public sewer main or public water main, as the case may be, to the building served by such lateral.

960970.04.2 Map Required. After December 31, 2005 the owner of any property upon which a water or sanitary sewer lateral is installed shall provide the City upon complete of the installation of such lateral with a map on paper and electronically in auto-cad format showing the location of each such lateral installed on the property of such owner.

(Ord. 2005-16, passed 1-9-06)

960970.05 Rules Governing Connections to City Water and Sewer mains.

960970.05.1 City To Be Present. No connections to a City water main or a City sewer main shall be made unless an employee of the City Utilities Department is present at the time such connection is made.

960970.05.2 Conductivity Established. No connection to the City water main or City sewer main shall be made until the conductivity of the City sewer main or City water main, as the case may be, and the proposed lateral is determined by the owner and City.

(Ord. 2005-16, passed 1-9-06)

960970.06 Trenchless Installations. The following rules shall apply to trenchless installations within the City:

960970.06.1. An excavation permit shall be required prior to the start of construction.

960970.06.2. The excavation must pothole or open cut when crossing all sewer and water laterals.

960970.06.3. Trenchless excavations more than four feet below grade are prohibited without a specific permit to do so being obtained from the City.

960970.06.4. Trenchless excavations shall comply with all requirements set forth in M.S. Chapter 2160 and Minnesota Rules Chapter 7560.

(Ord. 2005-16, passed 1-9-06)

960970.07 Compliance.

960970.07.1 Evidence of Compliance Provided. Owners or their contractors shall submit to the City Utilities Department evidence satisfactory to the City Utilities Department of compliance with the provisions of 960970.04, 960970.05 and 960970.06.

960970.07.2 Penalty. A failure by any owner or contractor to provide prompt and accurate information on the location of service laterals or a failure to comply with the provisions of 960970.04, 960970.05 and 960970.06 may result in the revocation of any permit issued for the work or constitute the basis for refusal to issue permits to such person or his, her or its subcontractors for future work.

(Ord. 2005-16, passed 1-9-06)

Section 970980 – Fats, Oils and Grease

970.01—980.01 Purpose. The purpose of this Section 970980 is to establish standards for the reduction of FOG discharged to the City Sewer System.

Food service facilities (which are referred to as FSFs or FOG Generating Facilities in this Section 970980) are the primary source of FOG entering the City Sewer System. This Section 970980 requires FOG generating facilities take certain steps to minimize the amount of FOG that enters the City Sewer System.

This Section 970980 provides for the enforcement of the terms and provisions of this Section 970980 and specifies penalties of various types including sewer service surcharges for non-compliance with its terms. This Section 970980 is intended to protect the health, welfare and safety of the public and the environment by requiring the reduction of FOG entering the City Sewer System.

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980.02 Definitions.

The following words and phrases when used in this Section 970980 shall have the meanings given to them in this Section 970980.02 unless the context clearly requires otherwise.

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~~970.02.01~~~~980.02.01~~ “Best Management Practices or BMPs” means management practices that offer the most effective and practicable means to prevent or reduce the introduction of FOG to the City Sewer System. FOG BMPs are set forth in the FOG Manual.

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~~970.02.02~~~~980.02.02~~ “Building Official” means the individual appointed by the City Council to act as the City’s Building Official.

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~~970.02.03~~~~980.02.03~~ “Captured Material” means the material removed from Grease Traps and/or Grease Interceptors as a result of maintenance performed pursuant to the terms of this Section ~~970~~~~980~~.

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~~970.02.04~~~~980.02.04~~ “City” means the City of Hermantown, St. Louis County, Minnesota.

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~~970.02.05~~~~980.02.05~~ “City Council” means the City Council of the City of Hermantown.

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~~970.02.06~~~~980.02.06~~ “City Sewer System” means the City of Hermantown waste water collection and transport system and stormwater collection and transport system.

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~~970.02.07~~~~980.02.07~~ “FOG” means material, either liquid or solid, composed primarily of fat, oil or grease from animal, vegetable or mineral sources.

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~~970.02.08~~~~980.02.08~~ “FOG Generating Facility” means a User of City Sewer System that generates or potentially generate FOG that can be discharged to the City Sewer System.

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~~970.02.09~~~~980.02.09~~ “FOG Manual” means the most recent Fats, Oils and Grease Control Manual that has been approved by resolution by the City Council.

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~~970.02.10~~~~980.02.10~~ “FOG Prevention Plan Certificate” means a certificate issued by the ~~Superintendent~~Public Works Director for existing FOG Generating Facilities or issued by the Building Official for FOG Generating Facilities that are new construction or remodeled indicating that the FOG Prevention Plan for a FOG Generating Facility has been reviewed and approved.

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~~970.02.11~~~~980.02.11~~ “FSF” means a food service facility of any kind and includes the following types of establishments: full service restaurants, fast food restaurants, delicatessens, cafeterias, school cafeterias, church kitchens, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.

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~~970.02.12~~~~980.02.12~~ “Grease Interceptor” means a device designed to remove FOG other than a Grease Trap.

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~~970.02.13~~~~980.02.13~~ “Grease trap” means a device designed to remove FOG located within the kitchen of a FOG generating facility.

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~~970.02.14~~980.02.14 "Landowner" means the person identified as the taxpayer on the most recent real estate tax statement for the real estate upon which a FOG Generating Facility is located.

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~~970.02.15~~980.02.15 "Maintenance Records" means a written report of any and all maintenance activities performed on any Grease Interceptor or Grease Trap.

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~~970.02.16~~980.02.16 "New Construction" means a FOG Generating Facility that applies for a building permit for the construction of a new FOG Generating Facility or that applies for a building permit to convert an existing building to a FOG Generating Facility.

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~~970.02.17~~980.02.17 "Person" means any individual, firm, company, association, society, corporation (municipal or otherwise) or other legal entity.

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~~980.02.18~~ "Public Works Director" means the official of the City who is authorized to enforce this section, or his/her authorized deputy, agent or representative.

~~970.02.18~~980.02.19 "Remodeling" means a physical change or operational change to a FOG Generating Facility that involves any one or combination of the following: (1) any change in plumbing in the food processing area, (2) a 30% increase in the net public seating area, (3) a 30% increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

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~~970.02.19~~980.02.20 "Stop Work Order" means an order that is issued by the Building Official which requires that all construction activity on a site be stopped.

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~~980.02.20~~ "Superintendent" means the official of the City who is authorized to enforce this section, or his/her authorized deputy, agent or representative.

~~970.02.21~~980.02.21 "User" means any person who/which discharges wastewater to the City Sewer System.

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~~970.02.22~~980.02.22 "WLSSD" means the Western Lake Superior Sanitary District, a public corporation and political subdivision of the State of Minnesota established by Chapter 478, Laws of Minnesota, 1971, now codified as M.S. Chapter 458D.

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~~970.03~~980.03 Relationship to Other Laws, Ordinances and Private Agreements.

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~~970.03.01~~980.03.01 **Compatibility with Other Laws and Ordinances.** This Section ~~970980~~ is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Section ~~970980~~ should be considered minimum requirements, and where any provision of this Section ~~970980~~ imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions impose higher protective standards for human health, safety or general welfare or the environment shall be considered to take precedence.

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~~970.03.02~~980.03.02 **Private Agreements.** This Section ~~970980~~ is not intended to revoke, repeal or modify any easement, covenant, or other private agreement. The existence of

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any private agreement, easement or covenant does not preclude the application of the provisions of this Section ~~970980~~.

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~~970.04~~980.04 Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this section.

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~~970.05~~980.05 Minimum Requirements.

~~970.05.01~~980.05.01 All FOG Generating Facilities must implement a FOG control program that includes the BMPs contained in Chapter 3 of the FOG Manual. FOG Generating Facilities that are in existence on the initial effective date of this Section ~~970980~~ must implement the FOG control program on or before April 1, 2012. FOG Generating Facilities that include a newly constructed FOG Generating Facility or a remodeled FOG Generating Facility must comply with the provision of Section ~~970980~~.06 before a building permit for the new construction or remodeling is issued by the Building Official.

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~~970.05.02~~980.05.02 All FOG Generating Facilities are subject to the inspection provisions contained in this Section ~~970980~~.

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~~970.06~~980.06 FOG Prevention Plan.

~~970.06.01~~980.06.01 New Construction: A FOG Prevention Plan shall be provided to the Building Official with the User's application for a building permit for the new construction of a FOG Generating Facility. No building permit application for new construction of a FOG Generating Facility will be considered until the required FOG Prevention Plan is submitted and approved by the Building Official.

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~~970.06.02~~980.06.02 Remodeling. A FOG Prevention Plan shall be provided to the Building Official with the User's application for a building permit for the remodeling of a FOG Generating Facility. No building permit application for remodeling will be considered until the required FOG Prevention Plan is submitted and approved by the Building Official.

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~~970.06.03~~980.06.03 Existing FOG Generating Facilities. A FOG Prevention Plan must be prepared and be submitted to the ~~Superintendent~~Public Works Director as follows:

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~~970.06.03.1~~980.06.03.1 If the ~~Superintendent~~Public Works Director, determines the discharge of FOG from the FOG Generating Facility has or is creating restrictions in the City Sewer System or is causing additional City Sewer System maintenance costs.

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~~970.06.03.2~~980.06.03.2 The ~~Superintendent~~Public Works Director shall make his/her determination to require a User to prepare and submit a FOG Prevention Plan based on information obtained by the ~~Superintendent~~Public Works Director from maintenance and repairs of the City Sewer System, compliance inspections performed

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pursuant to this Section ~~970.06.03~~ or other relevant information available to ~~Superintendent~~the Public Works Director.

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~~970.06.03.3~~~~980.06.03.3~~ The User of and the existing FOG generating facility will have 30 days from the date of notice from the ~~Superintendent~~Public Works Director to submit a FOG Prevention Plan to the ~~Superintendent~~Public Works Director pursuant to this Section ~~970.06.03~~.

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~~970.07.07~~ **FOG Prevention Plan.** A FOG Prevention Plan must be prepared and be certified by a licensed plumber. The FOG Prevention Plan shall incorporate measures sufficient to meet the requirements of this Section.

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~~970.07.01~~~~980.07.01~~ The wastewater from the FOG Generating Facility shall not violate the provisions of Section ~~920.30.06.4.3~~ of the Hermantown City Code.

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~~970.07.02~~~~980.07.02~~ The plumbing installation specified by the FOG Prevention Plan shall meet the requirements of the State Plumbing Code and State Building Code.

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~~970.07.03~~~~980.07.03~~ The FOG Prevention Plan will include drawings to a scale sufficient to show details required by the plumbing and building codes. Plans will show the location, size and type of Grease Interceptors and/or Grease Traps in relation to sinks, drains, outside walls and building sewers.

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~~970.07.04~~~~980.07.04~~ The FOG Prevention Plan will show the location, size and type of clean out facilities for Grease Interceptors and/or Grease Traps.

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~~970.07.05~~~~980.07.05~~ The FOG Prevention Plan will identify how the BMPs will be incorporated in User's operation.

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~~970.07.06~~~~980.07.06~~ The FOG Prevention Plan shall require that Grease Interceptors and/or Grease Traps be installed in the waste/drain line leading from the sink drains or other fixtures where grease may be introduced.

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~~970.07.07~~~~980.07.07~~ The FOG Prevention Plan must provide the procedures that the User will follow to maintain records for all Grease Interceptor and/or Grease Trap cleaning and maintenance activities in a format approved by the City and that such record will be available for inspection.

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~~970.07.08~~~~980.07.08~~ The FOG Prevention Plan shall specify that the format for the maintenance records will be as prescribed by the City in the FOG Control Manual. The FOG Prevention Plan must require that the User of the FOG interceptor mail a copy of the annual report of maintenance activities to the Hermantown Utility Billing Department no later than February 1 of any year, for the preceding year's maintenance activities.

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~~970.07.09~~~~980.07.09~~ The FOG Prevention Plan must contain a schedule that provides for the regular cleaning and maintenance of the Grease Interceptors and/or Grease Traps and a procedure for the disposal of Captured Material.

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~~970.07.10~~970.07.10 The FOG Prevention Plan shall specify that the User must maintain records of the dates and means of disposal of Captured Material and that any removal and hauling of the Captured Material not performed by the User’s personnel must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.

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~~970.07.11~~970.07.11 The FOG Prevention Plan for existing FOG Generating Facilities shall contain a time table for the implementation of the various parts of the FOG Implementation Plan.

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~~970.07.12~~970.07.12 The FOG Prevention Plan shall provide an estimate of the costs of implementation of the FOG Prevention Plan and the User shall specify the type of security that it will provide to secure its performance under the FOG Prevention Plan.

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~~970.07.13~~970.07.13 The User shall, along with the FOG Prevention Plan, file with the City a bond, letter of credit or other surety to insure compliance with the approved FOG Prevention Plan. The amount of the surety shall be equal to the estimated cost of implementing the entire FOG Prevention Plan, from beginning to end (including cost of materials, installation, inspection and maintenance), plus 25%. The form of such surety shall be subject to approval by the City Attorney.

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~~970.07.13.1~~970.07.13.1 No security will be released until a final inspection has been conducted and the ~~Superintendent~~Public Works Director confirms in writing that the FOG Prevention Plan is fully implemented.

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~~970.07.14~~970.07.14 The FOG Prevention Plan must include a signed statement that the User and Landowner will conduct its activities in accordance with the FOG Prevention Plan.

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~~970.07.15~~970.07.15 A non-refundable review fee in amount determined from time-to-time by the City Council shall be submitted with the FOG Prevention Plan.

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~~970.08~~970.08 **Review of FOG Prevention Plan.**

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~~970.08.01~~970.08.01 Within 15 days of the receipt of a FOG Prevention Plan, the Building Official (in the case of a newly constructed or remodeled FOG Generating Facility) or ~~Superintendent~~Public Works Director (in the case of an existing FOG Generating Facility) shall determine whether the FOG Prevention Plan is complete.

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~~970.08.01.1~~970.08.01.1 If a FOG Prevention Plan is incomplete, the Building Official or ~~Superintendent~~Public Works Director shall notify the User in writing what is required to make the FOG Prevention Plan complete, and a deadline shall be provided. The FOG Prevention Plan shall not be considered complete until the day all required materials are received.

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~~970.08.01.2~~970.08.01.2 Complete FOG Prevention Plans shall be reviewed by the Building Official or ~~Superintendent~~Public Works Director and shall be approved or disapproved within 60 days of the receipt of the complete FOG Prevention Plan.

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~~970.08.01.2~~970.08.01.2.1 If a FOG Prevention Plan is approved, a FOG Prevention Plan Certificate shall be issued to the User by the Building Official or ~~Superintendent~~Public Works Director.

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~~970.08.01.2~~970.08.01.2.2 If a FOG Prevention Plan is disapproved, the Building Official or ~~Superintendent~~Public Works Director shall notify the User in writing, stating the reasons why the FOG Prevention Plan was not approved.

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~~970.08.01.2~~970.08.01.2.3 If FOG Prevention Plan is disapproved, the User may submit a revised FOG Prevention Plan for review and approval. The Building Official or ~~Superintendent~~Public Works Director shall have 60 days from the date the revised FOG Prevention Plan is received to approve or disapprove the FOG Prevention Plan.

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~~970.08.01.2~~970.08.01.2.4 No building permit will be issued for new construction or remodeling until a FOG Prevention Plan is approved. A User shall be in violation of the provisions of this Section ~~970980~~ if a FOG Prevention Plan for an existing FOG Generating Facility is not approved within ninety (90) days of the date a notice is provided to a User pursuant to Section ~~970980~~.06.03.

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~~970.09~~970.09**09 Modification of Plans.** An approved FOG Prevention Plan may be modified upon submission of a written request for modification to the ~~Superintendent~~Public Works Director, and after written approval by the ~~Superintendent~~Public Works Director. In reviewing the modification request, the ~~Superintendent~~Public Works Director may require additional reports and data. The modified plan should include all of the information listed in Section ~~970980~~.07.

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~~970.10~~970.10**10 Certification.** Written certification by the User's licensed plumber shall be submitted to the ~~Superintendent~~Public Works Director or Building Official (whoever issued the FOG Prevention Plan Certificate) after the plumbing installed required by the approved FOG Prevention Plan has been installed, affirming that construction has been completed in accordance with the approved FOG Prevention Plan and other applicable provisions of this section.

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~~970.11~~970.11**11 Compliance Inspections,**

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~~970.11.01~~970.11.01 The ~~Superintendent~~Public Works Director will perform periodic scheduled and/or random inspections of FOG Generating Facilities to determine compliance with the applicable FOG Prevention Plan or to determine whether a FOG Prevention Plan shall be required for an existing FOG Generating Facility. Records of the City's inspections shall be maintained by the ~~Superintendent~~Public Works Director.

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~~970.11.02~~970.11.02 The ~~Superintendent~~Public Works Director may at all reasonable hours, enter any FOG Generating Facility for the purpose of inspecting connections to the City Sewer System, plumbing, Grease Interceptors and/or Grease Traps and appurtenances to assure compliance with this Section ~~970980~~ or other applicable laws, regulations and ordinances.

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~~970.11.03~~~~980.11.03~~ The ~~Superintendent~~~~Public Works Director~~ will inspect each FOG Generating Facility for compliance with requirements of its approved FOG Prevention Plan, for requirements regarding maintenance of Grease Interceptors and/or Grease Traps, for compliance regarding disposal of Captured Material and for implementation of the BMPs contained in the FOG Prevention Plan.

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~~970.11.04~~~~980.11.04~~ All FOG compliance inspections will be made pursuant to a checklist and the ~~Superintendent~~~~Public Works Director~~ will share the checklist with the User and identify a time and date for a follow-up inspection if necessary.

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~~970.12~~~~980.12~~ **Action Upon Noncompliance.**

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~~970.12.01~~~~980.12.01~~ **Notice of Violation.** In the event a FOG Generating Facility does not comply with the requirements of this Section ~~970~~~~980~~ or to an approved FOG Prevention Plan or to any instructions of the ~~Superintendent~~~~Public Works Director~~, compliance may be ordered by written notice of violation to the User and/or to the Landowner. Failure to address a notice of violation in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this section. In the case of work for which there is a permit, the notice of violation shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, the notice of violation shall be mailed to the person(s) listed as the taxpayer and/or Landowner by the records of the St. Louis County Auditor and the User if the User is a different person than the Landowner. After a notice of violation is given, the Landowner, User, permittee or his or her contractor shall be required to make the corrections within the time period determined by the ~~Superintendent~~~~Public Works Director~~. If an imminent hazard exists, the ~~Superintendent~~~~Public Works Director~~ may require that the corrective work begin immediately. The notice of violation shall contain:

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~~970.12.01.1~~~~980.12.01.1~~ The name and address of the Landowner and/or the User/violator;

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~~970.12.01.2~~~~980.12.01.2~~ The address when available or a description of the building, structure or land upon which the violation is occurring;

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~~970.12.01.3~~~~980.12.01.3~~ A statement specifying the nature of the violation;

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~~970.12.01.4~~~~980.12.01.4~~ A description of the remedial measures necessary to achieve compliance with this section and a deadline for the completion of such remedial action;

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~~970.12.01.5~~~~980.12.01.5~~ A statement advising that, should the violation not be remedied or restored within the established deadline, the work may be done by the City or a contractor, and the expense thereof shall be charged to the land, Landowner and/or violator; and

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~~970.12.01.6~~~~980.12.01.6~~ A statement of the penalty or penalties that shall or may be imposed against the person to whom the notice of violation is directed or against the land upon which the violation is originating or occurring.

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~~970.12.02~~**980.12.02 Stop Work Order.** The Building Official may issue a stop work order for the entire project or any specified part thereof when an imminent hazard exists and/or for failure to comply with the requirements set forth in a notice of violation. Upon issuance of a stop work order, all work must stop immediately except that work which is required to attain compliance with Section ~~970~~**980**. A stop work order shall remain in effect until the Building Official confirms that the violation has been satisfactorily addressed and that the work is in accordance with the FOG Prevention Plan.

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~~970.12.02~~**980.12.02.1** For the purposes of this section, a stop work order is validly posted by posting a copy of the stop work order on the site of the project in reasonable proximity to a location where the FOG Prevention Plan work is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person(s) listed as the taxpayer and/or Landowner by the records of the St. Louis County Auditor.

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~~970.12.03~~**980.12.03 Enforcement Measures.** If a violation has not been corrected pursuant to the requirements set forth in the notice of violation and/or stop work order, then representatives of the City may take any and all measures necessary to abate the violation and/or cause compliance within this Section ~~970~~**980** or the FOG Prevention Plan. It shall be unlawful for any person, Landowner, agent or person in possession of any land to refuse to allow the ~~Superintendent~~**Public Works Director** or Building Official to enter upon the land for the purposes set forth above. The remedies available to the City shall include:

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~~970.12.03~~**980.12.03.1** Criminal prosecution;

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~~970.12.03~~**980.12.03.2** Injunctive relief pursuant to Section ~~970~~**980**.12.05;

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~~970.12.03~~**980.12.03.3** Collection of administrative and remediation costs, including attorney's fees, court costs, labor, use of equipment, sampling and monitoring costs and other expenses associated with enforcement of this section;

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~~970.12.03~~**980.12.03.4** Imposition of costs of abatement pursuant to Section ~~970~~**980**.12.04;

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~~970.12.03~~**980.12.03.5** Immediate revocation of and/or suspension of the processing of any and all City permits for which the Landowner or violator has applied, even if the permits are not connected to the land where the violation is occurring;

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~~970.12.03~~**980.12.03.6** Suspension of City sewer and water services at the property where the violation is occurring;

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~~970.12.03~~**980.12.03.7** Withholding of the certificate of occupancy for the property where the violation is occurring; and

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~~970.12.03~~**980.12.03.8** Taking whatever other action is necessary and appropriate to obtain compliance with the terms of this Section ~~970~~**980**.

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970.12.04980.12.04 Abatement of Violation. If a violation continues for ten days beyond the deadline set forth in the notice of violation and/or stop work order, the ~~Superintendent~~**Public Works Director** may issue a notice of intent to the Landowner and/or violator of the City's intent to perform work necessary to comply with Section ~~970980~~. The City may go on the site and commence work 14 days after issuing the notice of intent. After abatement of the violation, the Landowner and/or violator will be notified of the cost of abatement, including attorney's fees and administrative costs. The Landowner and/or violator may file a written protest objecting to the amount of the amount charged for such work within ten calendar days with the City Clerk. The costs incurred by the ~~Superintendent~~**Public Works Director** to perform the abatement work shall be paid by the Landowner out of the security referenced in Section ~~970980~~.07.13, to the extent that the amount is covered thereby, with the remainder being directly due and owing to the City by the Landowner and/or violator. In the event no permit was issued or no security was posted, the cost, plus interest at the rate authorized by the ~~Superintendent~~**Public Works Director**, plus a reasonable administrative fee shall be billed to the Landowner and/or violator. If in any event the amount due is not paid by the deadline set forth by the decision of the City Council, then the City Clerk shall enter the amount due on the tax roll as a charge for utility service against the property using the procedures contained in applicable City codes and state law or may collect such amount in whatever manner is allowed or permitted by law.

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970.12.05980.12.05 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with a notice of violation, a stop work order or any requirement of this Section ~~970980~~. If a person has violated or continues to violate the provisions of this section, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

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970.12.06980.12.06 Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's and/or Landowner's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

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970.12.07980.12.07 Criminal Prosecution. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of Section ~~970980~~ shall be guilty of a misdemeanor. Each day there is a violation of any part of Section ~~970980~~ shall constitute a separate offense.

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970.12.08980.12.08 Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hermantown to seek cumulative remedies.

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970.13980.13 Charges for Remedial Maintenance or Repair of City Sewer System.

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970.13.01980.13.01 In the event that the Landowner or User of an FOG Generating Facility or the Landowner or User of any structure in which a FOG Generating Facility is located is found to have contributed to the partial or complete obstruction of a City Sewer System resulting

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from the discharge of wastewater or waste containing FOG and that the City is required to act immediately to control a public health hazard because of such blockage, such Landowner or User shall be required to reimburse the City for all costs of abating such condition.

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970.13.02**980.13.02** In situations where there are multiple persons identified as contributing to FOG that causes an obstruction referenced in Section **970****980.13.01**, the **Superintendent****Public Works Director** will apportion the cost of the cleanup, maintenance or repair costs on a prorated basis, based on each Landowner's or User's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the **Superintendent****Public Works Director** confirm that any User or Landowner is contributing excessive FOG (including other harmful ingredients) and is causing the repair or extraordinary maintenance activity to maintain the integrity of the City Sewer System, the **Superintendent****Public Works Director** may require a FOG Prevention Plan be prepared and submitted or if anyone is in place to be modified to provide a solution to the problem.

970.13.03**980.13.03** The costs for curing any private sewer lateral failures, including cleaning and other maintenance, caused in whole or in part by FOG introduced into the City Sewer System by any FOG Generating Facility, alone or in conjunction with any other party are the responsibility of the Landowner or User of the FOG Generating Facility and the Landowner or User of any structure in which the FOG Generating Facility contributing the FOG to the City Sewer System is located.

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970.14**980.14** Sewer Service Surcharges for Failure to Implement BMPs

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970.14.01**980.14.01** For failing to implement an employee training program as required by the BMPs a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

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970.14.02**980.14.02** For failing to implement BMPs for dish washing procedures a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

970.14.03**980.14.03** For failing to implement BMPs for interceptor or grease trap maintenance a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

970.14.04**980.14.04** For failing to implement BMPs for exhaust system cleaning and maintenance a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

970.14.05**980.14.05** For failing to implement BMPs related to dish washing hot water temperatures in excess of 140 degrees F a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is documented.

970.14.06**980.14.06** For refusing to allow access to **Superintendent****the Public Works Director** a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until access is granted.

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~~970.14.07~~970.14.08 For improper outside storage of collected FOG a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is achieved.

~~970.14.08~~970.14.08 For failing to implement any other FOG BMPs a monthly sewer service surcharge in an amount set forth from time to time by resolution of the City Council will be imposed until compliance is achieved.

970.15980.15 Records Retention

~~970.15.01~~970.15.01 Records required to be maintained under this Section shall be retained for a minimum of seven years from the date of creation of the record. Records include written, photographic, recorded, electronic, or stored data of any kind.

970.16980.16 User/Landowner Responsibility. The Landowner and/or User, his or her agent, contractors and employees shall conduct the operation of a FOG Generating Facility in accordance with the requirements of Section ~~970~~980 and the approved FOG Prevention Plan at all times. The design, testing, installation and maintenance of a FOG Generating Facility shall adhere at all times to the standards and specifications contained in the approved FOG Prevention Plan.

~~970.16.01~~970.16.01 A copy of the approved FOG Prevention Plan, maintenance record and inspection records shall be on-site and available for inspection during all working hours.

(Ord. 2011-06, passed 09-19-11)

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260 Cable TV Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
456100							
456101	Cable						
	101 Full-Time Employees - Regular	151.88	1,615.22	4,165.00	4,165.00	2,549.78	39 %
	121 PERA Contributions - Coordinated	12.02	127.75	312.00	312.00	184.25	41 %
	128 Social Security	9.47	100.94	258.00	258.00	157.06	39 %
	129 Medicare	2.21	23.57	60.00	60.00	36.43	39 %
	131 Health Insurance	30.06	405.59	906.00	906.00	500.41	45 %
	133 Life Insurance	0.32	3.48	9.00	9.00	5.52	39 %
	134 Disability Insurance	0.55	5.92	14.00	14.00	8.08	42 %
	136 MSRS	0.59	6.39	16.00	16.00	9.61	40 %
	151 Workers Compensation	0.00	3.00	6.00	6.00	3.00	50 %
	308 Legal Fees	0.00	0.00	300.00	300.00	300.00	%
	314 Computer/Software Fees	0.00	11,914.56	0.00	0.00	-11,914.56	%
	319 Contracted Services	0.00	3,125.00	7,500.00	7,500.00	4,375.00	42 %
	331 Travel Expense	8.31	88.44	0.00	0.00	-88.44	%
	361 General Liability Insurance	0.00	22.00	44.00	44.00	22.00	50 %
	404 Equipment Maintenance	0.00	4,581.01	1,000.00	1,000.00	-3,581.01	458 %
	Account Total:	215.41	22,022.87	14,590.00	14,590.00	-7,432.87	151 %
	Account Group Total:	215.41	22,022.87	14,590.00	14,590.00	-7,432.87	151 %
	Fund Total:	215.41	22,022.87	14,590.00	14,590.00	-7,432.87	151 %

601 Water Enterprise Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
471000	Debt Service						
471000	Debt Service						
	303 Banking Fees	0.00	1.70	0.00	0.00	-1.70	%
	Account Total:	0.00	1.70	0.00	0.00	-1.70	%
	Account Group Total:	0.00	1.70	0.00	0.00	-1.70	%
494300	Water Distribution						
494300	Water Distribution						
	101 Full-Time Employees - Regular	5,030.85	25,645.93	161,050.00	161,050.00	135,404.07	16 %
	102 Full-Time Employees - Overtime	1,114.87	2,156.52	12,537.00	12,537.00	10,380.48	17 %
	103 Part-Time Employees - Regular	28.56	42.83	0.00	0.00	-42.83	%
	121 PERA Contributions - Coordinated	460.91	4,098.65	13,019.00	13,019.00	8,920.35	31 %
	128 Social Security	367.76	3,235.89	10,762.00	10,762.00	7,526.11	30 %
	129 Medicare	86.00	756.75	2,517.00	2,517.00	1,760.25	30 %
	131 Health Insurance	1,877.58	26,256.61	72,063.00	72,063.00	45,806.39	36 %
	133 Life Insurance	7.57	80.16	223.00	223.00	142.84	36 %
	134 Disability Insurance	27.07	292.89	819.00	819.00	526.11	36 %
	136 MSRS	6.00	63.86	130.00	130.00	66.14	49 %
	151 Workers Compensation	0.00	3,505.00	7,009.00	7,009.00	3,504.00	50 %
	212 Motor Fuels	0.00	1,362.78	3,000.00	3,000.00	1,637.22	45 %
	216 Uniforms	0.00	362.55	500.00	500.00	137.45	73 %
	221 General Supplies	0.00	2,833.67	5,000.00	5,000.00	2,166.33	57 %
	228 Utility System Maint Supplies	0.00	22,671.66	4,000.00	4,000.00	-18,671.66	567 %
	314 Computer/Software Fees	0.00	0.00	3,750.00	3,750.00	3,750.00	%
	315 School & Conference	0.00	576.58	3,500.00	3,500.00	2,923.42	16 %
	319 Contracted Services	0.00	0.00	30,000.00	30,000.00	30,000.00	%
	331 Travel Expense	0.00	0.00	750.00	750.00	750.00	%
	361 General Liability Insurance	0.00	2,474.00	4,949.00	4,949.00	2,475.00	50 %
	382 Water Purchases	0.00	258,784.50	711,000.00	711,000.00	452,215.50	36 %
	404 Equipment Maintenance	0.00	3,631.67	5,000.00	5,000.00	1,368.33	73 %
	405 Computer Maintenance	0.00	2,400.00	0.00	0.00	-2,400.00	%
	406 Vehicle Maintenance	0.00	23.33	2,500.00	2,500.00	2,476.67	1 %
	413 Equipment Rental	0.00	0.00	12,500.00	12,500.00	12,500.00	%
	417 Uniform Rental	0.00	0.00	500.00	500.00	500.00	%
	451 Dues & Subscriptions	0.00	676.00	700.00	700.00	24.00	97 %
	460 Permits & Licenses	0.00	293.00	0.00	0.00	-293.00	%
	470 Booster Pump Repairs	0.00	0.00	250.00	250.00	250.00	%
	471 Water Line Repairs	0.00	9,500.81	25,000.00	25,000.00	15,499.19	38 %
	472 Hydrant Repairs	0.00	3,585.63	29,500.00	29,500.00	25,914.37	12 %
	540 Office Equip/Furnishings	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	542 Light Equipment	0.00	0.00	6,000.00	6,000.00	6,000.00	%
	544 Motor Vehicles	0.00	54,775.00	165,000.00	165,000.00	110,225.00	33 %
	580 Other Equipment	0.00	115,625.22	314,500.00	314,500.00	198,874.78	37 %
	Account Total:	9,007.17	545,711.49	1,609,028.00	1,609,028.00	1,063,316.51	34 %
	Account Group Total:	9,007.17	545,711.49	1,609,028.00	1,609,028.00	1,063,316.51	34 %

601 Water Enterprise Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
494400	Water Administration and General						
494400	Water Administration and General						
	101 Full-Time Employees - Regular	2,898.04	9,175.91	81,921.00	81,921.00	72,745.09	11 %
	102 Full-Time Employees - Overtime	0.00	13.58	505.00	505.00	491.42	3 %
	121 PERA Contributions - Coordinated	221.51	2,349.45	6,182.00	6,182.00	3,832.55	38 %
	128 Social Security	173.58	1,834.10	5,110.00	5,110.00	3,275.90	36 %
	129 Medicare	40.62	429.09	1,195.00	1,195.00	765.91	36 %
	131 Health Insurance	779.64	12,434.58	20,002.00	20,002.00	7,567.42	62 %
	133 Life Insurance	5.52	59.76	156.00	156.00	96.24	38 %
	134 Disability Insurance	12.15	119.17	355.00	355.00	235.83	34 %
	136 MSRS	8.01	85.16	208.00	208.00	122.84	41 %
	151 Workers Compensation	0.00	57.00	115.00	115.00	58.00	50 %
	201 Office Supplies	0.00	15.50	0.00	0.00	-15.50	%
	202 Printing Supplies	0.00	115.42	600.00	600.00	484.58	19 %
	301 Audit/Account Services	0.00	2,992.50	4,500.00	4,500.00	1,507.50	67 %
	303 Banking Fees	0.00	1,638.91	0.00	0.00	-1,638.91	%
	305 Engineer Fees	0.00	5,800.00	0.00	0.00	-5,800.00	%
	308 Legal Fees	0.00	697.50	3,000.00	3,000.00	2,302.50	23 %
	314 Computer/Software Fees	0.00	1,025.20	1,800.00	1,800.00	774.80	57 %
	319 Contracted Services	0.00	2,562.82	3,200.00	3,200.00	637.18	80 %
	321 Telephone	0.00	867.16	2,210.00	2,210.00	1,342.84	39 %
	322 Internet	0.00	214.90	280.00	280.00	65.10	77 %
	323 Gopher One Call Locates	0.00	301.29	1,550.00	1,550.00	1,248.71	19 %
	325 Postage	0.00	146.70	3,675.00	3,675.00	3,528.30	4 %
	331 Travel Expense	55.39	589.51	1,400.00	1,400.00	810.49	42 %
	351 Legal Notices Publishing	0.00	387.75	600.00	600.00	212.25	65 %
	361 General Liability Insurance	0.00	2,046.00	4,093.00	4,093.00	2,047.00	50 %
	381 Electricity	0.00	3,528.91	6,850.00	6,850.00	3,321.09	52 %
	383 Heating Gas	0.00	1,318.96	3,200.00	3,200.00	1,881.04	41 %
	405 Computer Maintenance	0.00	9,100.05	14,964.00	14,964.00	5,863.95	61 %
	420 Depreciation Expenses	0.00	0.00	200,000.00	200,000.00	200,000.00	%
	720 Transfer Out	0.00	0.00	91,838.00	91,838.00	91,838.00	%
	Account Total:	4,194.46	59,906.88	459,509.00	459,509.00	399,602.12	13 %
	Account Group Total:	4,194.46	59,906.88	459,509.00	459,509.00	399,602.12	13 %
	Fund Total:	13,201.63	605,620.07	2,068,537.00	2,068,537.00	1,462,916.93	29 %

602 Sewer Enterprise Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
471000	Debt Service						
471000	Debt Service						
	303 Banking Fees	0.00	0.07	0.00	0.00	-0.07	%
	Account Total:	0.00	0.07	0.00	0.00	-0.07	%
	Account Group Total:	0.00	0.07	0.00	0.00	-0.07	%
494300	Water Distribution						
494300	Water Distribution						
	221 General Supplies	0.00	34.86	0.00	0.00	-34.86	%
	Account Total:	0.00	34.86	0.00	0.00	-34.86	%
	Account Group Total:	0.00	34.86	0.00	0.00	-34.86	%
494500	Sewer Maintenance						
494500	Sewer Maintenance						
	101 Full-Time Employees - Regular	4,268.38	24,418.62	118,951.00	118,951.00	94,532.38	21 %
	102 Full-Time Employees - Overtime	668.93	1,563.30	9,118.00	9,118.00	7,554.70	17 %
	121 PERA Contributions - Coordinated	370.30	3,129.51	9,605.00	9,605.00	6,475.49	33 %
	128 Social Security	292.95	2,462.10	7,940.00	7,940.00	5,477.90	31 %
	129 Medicare	68.52	575.76	1,857.00	1,857.00	1,281.24	31 %
	131 Health Insurance	1,629.01	19,488.24	52,944.00	52,944.00	33,455.76	37 %
	133 Life Insurance	5.67	55.23	168.00	168.00	112.77	33 %
	134 Disability Insurance	22.89	220.78	603.00	603.00	382.22	37 %
	136 MSRS	3.00	31.93	104.00	104.00	72.07	31 %
	151 Workers Compensation	0.00	2,619.00	5,237.00	5,237.00	2,618.00	50 %
	212 Motor Fuels	0.00	908.52	1,500.00	1,500.00	591.48	61 %
	216 Uniforms	0.00	362.55	350.00	350.00	-12.55	104 %
	221 General Supplies	0.00	1,538.82	2,500.00	2,500.00	961.18	62 %
	228 Utility System Maint Supplies	0.00	0.00	2,500.00	2,500.00	2,500.00	%
	229 Lift Station Maintenance	0.00	4,879.18	15,000.00	15,000.00	10,120.82	33 %
	314 Computer/Software Fees	0.00	0.00	3,750.00	3,750.00	3,750.00	%
	315 School & Conference	0.00	177.57	1,500.00	1,500.00	1,322.43	12 %
	317 Personnel Testing, Physicals,	0.00	0.00	450.00	450.00	450.00	%
	319 Contracted Services	0.00	5,137.50	23,500.00	23,500.00	18,362.50	22 %
	331 Travel Expense	0.00	0.00	500.00	500.00	500.00	%
	351 Legal Notices Publishing	0.00	0.00	561.00	561.00	561.00	%
	361 General Liability Insurance	0.00	801.00	1,601.00	1,601.00	800.00	50 %
	385 Sewer Charges	0.00	183,353.50	564,000.00	564,000.00	380,646.50	33 %
	403 Road Maintenance	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	404 Equipment Maintenance	0.00	3,491.11	5,500.00	5,500.00	2,008.89	63 %
	406 Vehicle Maintenance	0.00	53.91	2,500.00	2,500.00	2,446.09	2 %
	413 Equipment Rental	0.00	0.00	6,500.00	6,500.00	6,500.00	%
	451 Dues & Subscriptions	0.00	120.00	150.00	150.00	30.00	80 %
	460 Permits & Licenses	0.00	293.00	250.00	250.00	-43.00	117 %
	475 Sewerline Repairs	0.00	2,600.00	15,000.00	15,000.00	12,400.00	17 %
	476 Lift Station Repairs Sewer	0.00	158.04	15,000.00	15,000.00	14,841.96	1 %
	477 I & I Maintenance	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	478 Sewer Cleaning	0.00	18,996.64	45,000.00	45,000.00	26,003.36	42 %
	499 Miscellaneous	0.00	0.00	500.00	500.00	500.00	%
	540 Office Equip/Furnishings	0.00	0.00	750.00	750.00	750.00	%
	580 Other Equipment	0.00	24,267.00	2,500.00	2,500.00	-21,767.00	971 %
	590 Pumping Plant & Lift Stations	0.00	0.00	40,000.00	40,000.00	40,000.00	%

602 Sewer Enterprise Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
Account Total:		7,329.65	301,702.81	977,889.00	977,889.00	676,186.19	31 %
Account Group Total:		7,329.65	301,702.81	977,889.00	977,889.00	676,186.19	31 %
494900	Sewer Administration and General						
494900	Sewer Administration and General						
	101 Full-Time Employees - Regular	2,253.11	7,696.99	72,140.00	72,140.00	64,443.01	11 %
	102 Full-Time Employees - Overtime	0.00	10.19	505.00	505.00	494.81	2 %
	121 PERA Contributions - Coordinated	171.06	1,815.56	5,448.00	5,448.00	3,632.44	33 %
	128 Social Security	133.98	1,418.04	4,504.00	4,504.00	3,085.96	31 %
	129 Medicare	31.33	331.63	1,053.00	1,053.00	721.37	31 %
	131 Health Insurance	614.24	9,207.12	18,061.00	18,061.00	8,853.88	51 %
	133 Life Insurance	4.66	45.63	140.00	140.00	94.37	33 %
	134 Disability Insurance	9.84	94.76	323.00	323.00	228.24	29 %
	136 MSRS	7.01	74.51	182.00	182.00	107.49	41 %
	151 Workers Compensation	0.00	50.00	101.00	101.00	51.00	50 %
	201 Office Supplies	0.00	15.49	0.00	0.00	-15.49	%
	202 Printing Supplies	0.00	115.42	400.00	400.00	284.58	29 %
	301 Audit/Account Services	0.00	2,992.50	4,500.00	4,500.00	1,507.50	67 %
	303 Banking Fees	0.00	1,638.88	0.00	0.00	-1,638.88	%
	305 Engineer Fees	0.00	840.00	1,000.00	1,000.00	160.00	84 %
	308 Legal Fees	0.00	314.50	900.00	900.00	585.50	35 %
	314 Computer/Software Fees	0.00	1,014.40	2,000.00	2,000.00	985.60	51 %
	315 School & Conference	0.00	0.00	50.00	50.00	50.00	%
	319 Contracted Services	0.00	2,571.85	300.00	300.00	-2,271.85	857 %
	321 Telephone	0.00	819.71	2,100.00	2,100.00	1,280.29	39 %
	322 Internet	0.00	322.35	700.00	700.00	377.65	46 %
	323 Gopher One Call Locates	0.00	200.86	950.00	950.00	749.14	21 %
	325 Postage	0.00	101.13	2,580.00	2,580.00	2,478.87	4 %
	331 Travel Expense	27.69	294.70	880.00	880.00	585.30	33 %
	351 Legal Notices Publishing	0.00	0.00	100.00	100.00	100.00	%
	361 General Liability Insurance	0.00	2,367.00	4,736.00	4,736.00	2,369.00	50 %
	381 Electricity	0.00	2,750.29	8,000.00	8,000.00	5,249.71	34 %
	383 Heating Gas	0.00	824.35	2,400.00	2,400.00	1,575.65	34 %
	405 Computer Maintenance	0.00	9,100.05	14,963.00	14,963.00	5,862.95	61 %
	420 Depreciation Expenses	0.00	0.00	556,747.00	556,747.00	556,747.00	%
	720 Transfer Out	0.00	0.00	67,944.00	67,944.00	67,944.00	%
Account Total:		3,252.92	47,027.91	773,707.00	773,707.00	726,679.09	6 %
Account Group Total:		3,252.92	47,027.91	773,707.00	773,707.00	726,679.09	6 %
495000	Transfer Out						
495000	Transfer Out						
	720 Transfer Out	0.00	0.00	99,125.00	99,125.00	99,125.00	%
Account Total:		0.00	0.00	99,125.00	99,125.00	99,125.00	%
Account Group Total:		0.00	0.00	99,125.00	99,125.00	99,125.00	%
Fund Total:		10,582.57	348,765.65	1,850,721.00	1,850,721.00	1,501,955.35	19 %

603 Storm Water Enterprise Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
419100	Community Development						
419100	Community Development						
	305 Engineer Fees	0.00	910.00	0.00	0.00	-910.00	%
	Account Total:	0.00	910.00	0.00	0.00	-910.00	%
	Account Group Total:	0.00	910.00	0.00	0.00	-910.00	%
441100	Storm Water						
441100	Storm Water						
	101 Full-Time Employees - Regular	2,741.28	5,352.07	63,588.00	63,588.00	58,235.93	8 %
	102 Full-Time Employees - Overtime	445.94	675.70	2,046.00	2,046.00	1,370.30	33 %
	121 PERA Contributions - Coordinated	241.12	2,324.53	4,923.00	4,923.00	2,598.47	47 %
	128 Social Security	190.92	1,827.33	4,069.00	4,069.00	2,241.67	45 %
	129 Medicare	44.63	440.30	952.00	952.00	511.70	46 %
	131 Health Insurance	802.80	14,011.63	19,197.00	19,197.00	5,185.37	73 %
	133 Life Insurance	5.95	60.41	112.00	112.00	51.59	54 %
	134 Disability Insurance	12.82	131.15	297.00	297.00	165.85	44 %
	136 MSRS	9.00	95.74	130.00	130.00	34.26	74 %
	151 Workers Compensation	0.00	796.00	1,592.00	1,592.00	796.00	50 %
	305 Engineer Fees	0.00	455.00	6,000.00	6,000.00	5,545.00	8 %
	308 Legal Fees	0.00	63.00	1,000.00	1,000.00	937.00	6 %
	310 Recording/Filing Fees	0.00	92.00	500.00	500.00	408.00	18 %
	314 Computer/Software Fees	0.00	1,014.40	0.00	0.00	-1,014.40	%
	319 Contracted Services	0.00	2,531.70	30,000.00	30,000.00	27,468.30	8 %
	325 Postage	0.00	0.00	500.00	500.00	500.00	%
	331 Travel Expense	27.69	294.70	300.00	300.00	5.30	98 %
	403 Road Maintenance	0.00	488.87	11,000.00	11,000.00	10,511.13	4 %
	404 Equipment Maintenance	0.00	537.78	0.00	0.00	-537.78	%
	413 Equipment Rental	0.00	16,023.00	10,000.00	10,000.00	-6,023.00	160 %
	451 Dues & Subscriptions	0.00	1,740.00	2,000.00	2,000.00	260.00	87 %
	530 Improvements Other Than Bldgs	0.00	0.00	150,000.00	150,000.00	150,000.00	%
	550 Street Improvements	0.00	0.00	149,935.00	149,935.00	149,935.00	%
	720 Transfer Out	0.00	0.00	21,945.00	21,945.00	21,945.00	%
	Account Total:	4,522.15	48,955.31	480,086.00	480,086.00	431,130.69	10 %
	Account Group Total:	4,522.15	48,955.31	480,086.00	480,086.00	431,130.69	10 %
471000	Debt Service						
471000	Debt Service						
	303 Banking Fees	0.00	1.71	0.00	0.00	-1.71	%
	Account Total:	0.00	1.71	0.00	0.00	-1.71	%
	Account Group Total:	0.00	1.71	0.00	0.00	-1.71	%
495000	Transfer Out						
495000	Transfer Out						
	720 Transfer Out	0.00	0.00	6,125.00	6,125.00	6,125.00	%
	Account Total:	0.00	0.00	6,125.00	6,125.00	6,125.00	%
	Account Group Total:	0.00	0.00	6,125.00	6,125.00	6,125.00	%
	Fund Total:	4,522.15	49,867.02	486,211.00	486,211.00	436,343.98	10 %

605 Street Lighting & Traffic Signalization

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (50) Committed
431100	Street Department						
431160	Street Lighting						
	227 Street Lights & Signs	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	381 Electricity	0.00	10,837.40	28,000.00	28,000.00	17,162.60	39 %
	Account Total:	0.00	10,837.40	33,000.00	33,000.00	22,162.60	33 %
	Account Group Total:	0.00	10,837.40	33,000.00	33,000.00	22,162.60	33 %
	Fund Total:	0.00	10,837.40	33,000.00	33,000.00	22,162.60	33 %
	Grand Total:	28,521.76					
			0.00				
			1,037,113.01	4,453,059.00	4,453,059.00	3,415,945.99	23 %

**Public Works
Utility Maintenance Report**

Meeting Date:	6/17/2021	
Reporting Period:	From: 5/1/2021	To: 5/31/2021

1. Water Utility

- a. Project Update
 - i. Morris Thomas Relocate Hydrants, Watermain and Sanitary Sewer
 - 1. Resolution 2020-101-St. Louis County's State Aid Project No. 069-656-019 (Morris Thomas Road) Within The City of Hermantown
 - 2. Project is Bid and awarded to Northland Constructors
 - a. This is a SLC lead project
 - b. Construction Start 7/1/2021 +/-
 - c. SLC is pushing to start sooner.
 - ii. Peyton Acres
 - 1. No Change in May
 - iii. Lavaque Jct.
 - 1. Resolution 2021-25 Resolution Receiving Bids And Awarding Contract
 - 2. No Change in
 - a. Construction Start 5/10/2021
 - b. Water tied in @ Lavaque Road
 - i. Rock Excavation on Hill has been a challenge
 - c. Water loop should be tied together week of 6/7/21
 - iv. 2021 Water Leak Survey
 - 1. Scheduled for June 21+/- with Water Conservation Services

2. Sewer

- a. 2022 Ugstad Road Project
 - i. Sanitary Sewer cleaned and televised in the Jobsite area in March
 - 1. Awaiting final reports
 - a. Great Lakes Pipe Service Performed this service
 - b. No repairs or problems of concern
- b. Sanitary sewer issues in the Dahl, Jamie, Joey, Joshua neighborhood
 - i. All was televised and okay
 - ii. Is a low flow area
 - iii. Will be resetting a manhole in there in late June
- c. Project Update
 - i. Section 24 Trunkline
 - 1. Resolution 2020-14-Trunk Sewer Spur Improvement District 448 Award USA Inc.- Eveleth, MN
 - 2. No Change in May
 - 3. Contract to be complete by June 30th, 2021

- d. GIS Data Collection for our Sanitary and Storm water system.
 - i. Trying to fill position
 - ii. Awarded Grant by WLSSD
 - 1. Hermantown City Council accepted grant on 5/3
 - 2. Have solicitation out to UMD GIS Students for position fulfilment

3. Stormwater

- a. Project Update
 - i. Swan Lake Road Bridge
 - 1. 2021-26 Resolution Receiving Bids And Awarding Contract For 2021 Road Improvement District No. 536 to Northland Constructors. Northland Constructors will be performing the work on the Box Culvert for the SLC Project
 - 2. Project to start 5/17
 - 3. Box Culvert work 6/7/21
 - 4. Duluth has been doing there cut overs for their extension up Swan Lake Road.
 - a. 1 is completed and 1 remaining in June

4. Looking Ahead

- a. 2021 Driveway Culvert replacement
 - i. 3 on list already
- b. Ditch cleaning 2021

City of Hermantown - 2021 Water Loss Report

	Duluth Billed (Gallons)	Hermantown Billed (Gallons)	Difference	Percent Difference	Water Main Breaks	Truck Fill/ Temp Meter	City Usage	Total Accounted	Total Unaccounted Gallons
Jan	14,008,544	13,130,447	878,097	6.3%	-	23,400	20,990	44,390	833,707
Feb	13,577,696	11,567,332	2,010,364	14.8%	1,145,000	7,900	13,972	1,166,872	843,492
Mar	12,871,584	12,712,351	159,233	1.2%	50,000	20,900	17,470	88,370	70,863
Apr	14,606,944	13,255,683	1,351,261	9.3%	210,000	27,100	11,818	248,918	1,102,343
May	14,614,424	15,186,801	(572,377)	-3.9%	60,000	54,043	14,444	128,487	(700,864)
Jun	-	-	-	#DIV/0!	-	-	-	-	-
Jul	-	-	-	#DIV/0!	-	-	-	-	-
Aug	-	-	-	#DIV/0!	-	-	-	-	-
Sep	-	-	-	#DIV/0!	-	-	-	-	-
Oct	-	-	-	#DIV/0!	-	-	-	-	-
Nov	-	-	-	#DIV/0!	-	-	-	-	-
Dec	-	-	-	#DIV/0!	-	-	-	-	-
	69,679,192	65,852,613	3,826,579	5.5%	1,465,000	133,343	78,694	1,677,037	2,149,542

Total Percent of Duluth Billed Unaccounted For:

3.00%



Clear Answers for Clean WaterSM

Western Lake Superior Sanitary District

2626 Courtland Street
 Duluth, MN 55806-1894
 (218) 722-3336

Account No.	8420
Invoice Date	05/31/2021

To: CITY OF HERMANTOWN
 5105 MAPLE GROVE ROAD
 HERMANTOWN MN 55811

Invoice	Trans Date	Due Date	PO	Desc	Quantity	Unit Rate	Amount
053121HER1	05/31/2021	06/15/2021		WASTEWATER CHARGES			42,613.00
053121HER2	05/31/2021	06/15/2021		2020 ADJUSTMENT			-1,587.00

Current	1-30 Days	31-60 Days	Over 60 Days	Amount Due
41,026.00	0.00	0.00	0.00	41,026.00

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution. For inquiries please call WLSSD at 218-722-3336.

2021 FLOW AND LOADINGS

BOD Biochemical Oxygen Demand

SUMMARY ONLY

**Hermantown
(Haines Road Metering Station)**

SS Suspended Solids

FLOW Million Gallons per Day

MONTH	TOTAL	AVG	PEAK HR	TOTAL	AVG	TOTAL	AVG
	FLOW	FLOW	FLOW RATE	BOD	BOD	SS	SS
	MG	MGD	MGD	LBS	LBS/DAY	LBS	LBS/DAY
JANUARY	9.2699	0.2990	0.5122	15,903	513	22,847	737
FEBRUARY	8.5086	0.3039	0.5846	14,140	505	13,188	471
MARCH	13.0637	0.4214	1.0742	19,623	633	20,770	670
APRIL	12.8715	0.4291	0.7488	18,330	611	15,450	515
MAY							
JUNE							
JULY							
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
TOTAL or AVG	43.7137	0.3643		67,996	567	72,255	602

Questions regarding Billing
In this summary form
should be directed to:
Cathy Remington
Director of Finance
Western Lake Superior Sanitary District
2626 Courtland Street
Duluth, MN 55806
Phone: (218) 740-4788
Fax: (218) 727-7471
Email: Cathy.Remington@wlssd.com

Data Verified by:
Julie Macor, Director of Environmental Services - (218) 740-4814
Grant Brown, Director of Information Services - (218) 740 - 4777
Western Lake Superior Sanitary District
2626 Courtland Street
Duluth, MN 55806
Fax: (218) 727-7471
Email: julie.macor@wlssd.com
Email: grant.brown@wlssd.com

Initialed By: ILM

Initialed By: JSB

2021 FLOW AND LOADINGS

SUMMARY ONLY

City of Hermantown
Includes Bayview and Haines Road Metering Station

BOD Biochemical Oxygen Demand

SS Suspended Solids

FLOW Million Gallons per Day

MONTH	TOTAL	AVG	PEAK HR	TOTAL	AVG	TOTAL	AVG
	FLOW	FLOW	FLOW RATE	BOD	BOD	SS	SS
	MG	MGD	MGD	LBS	LBS/DAY	LBS	LBS/DAY
JANUARY	15.8166	0.5102	0.8312	26,823	865	33,767	1,089
FEBRUARY	14.4651	0.5166	0.9316	24,075	860	23,123	826
MARCH	23.7652	0.7666	2.1324	37,473	1,209	38,620	1,246
APRIL	25.4288	0.8477	2.0419	39,276	1,309	36,396	1,213
MAY							
JUNE							
JULY							
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
TOTAL or AVG	79.4757	0.6623	Allocation	127,647	1,064	131,906	1,099
2021 BUDGET		0.6500	3.5300		1,150		1,100

Questions regarding Billing
In this summary form
should be directed to:
Cathy Remington
Director of Finance
Western Lake Superior Sanitary District
2626 Courtland Street
Duluth, MN 55806
Phone: (218) 740-4788
Fax: (218) 727-7471
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Data Verified by:
Julie Macor, Director of Environmental Services - (218) 740-4814
Grant Brown, Director of Information Services - (218) 740 - 4777
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Duluth, MN 55806
Fax: (218) 727-7471
Email: julie.macor@wlssd.com
Email: grant.brown@wlssd.com

Initialed By: JLM
Initialed By: JSB

2021 FLOW AND LOADINGS

SUMMARY ONLY

Bayview Interceptor
(City of Hermantown)

BOD Biochemical Oxygen Demand

SS Suspended Solids

FLOW Million Gallons per Day

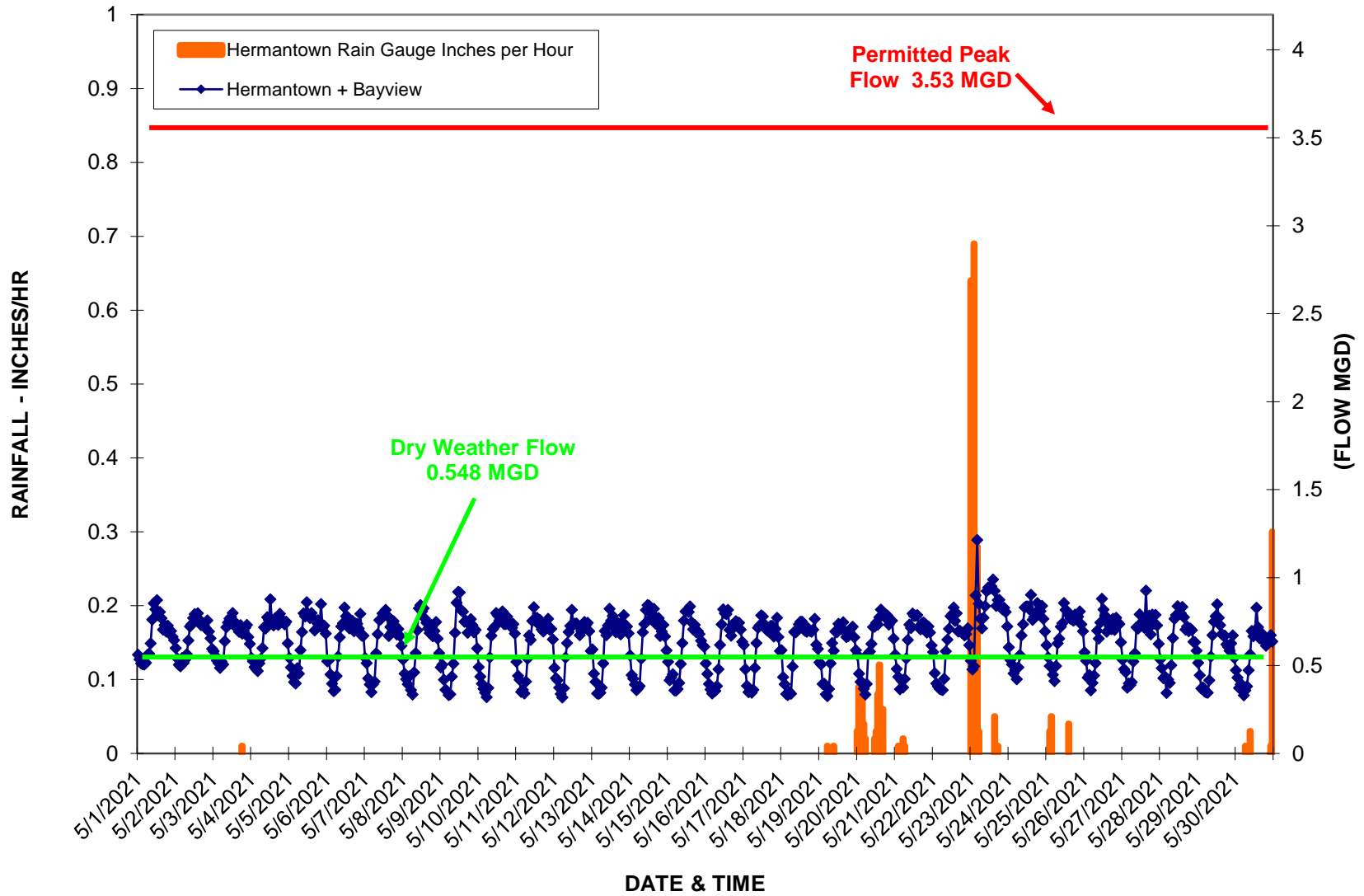
MONTH	TOTAL	AVG	PEAK HR	TOTAL	AVG	TOTAL	AVG
	FLOW	FLOW	FLOW RATE	BOD	BOD	SS	SS
	MG	MGD	MGD	LBS	LBS/DAY	LBS	LBS/DAY
JANUARY	6.5467	0.2112	0.3787	10,920	352	10,920	352
FEBRUARY	5.9565	0.2127	0.6357	9,935	355	9,935	355
MARCH	10.7015	0.3452	1.1283	17,850	576	17,850	576
APRIL	12.5573	0.4186	1.4354	20,946	698	20,946	698
MAY							
JUNE							
JULY							
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
TOTAL or AVG	35.7620	0.2980		59,651	497	59,651	497

Questions regarding Billing
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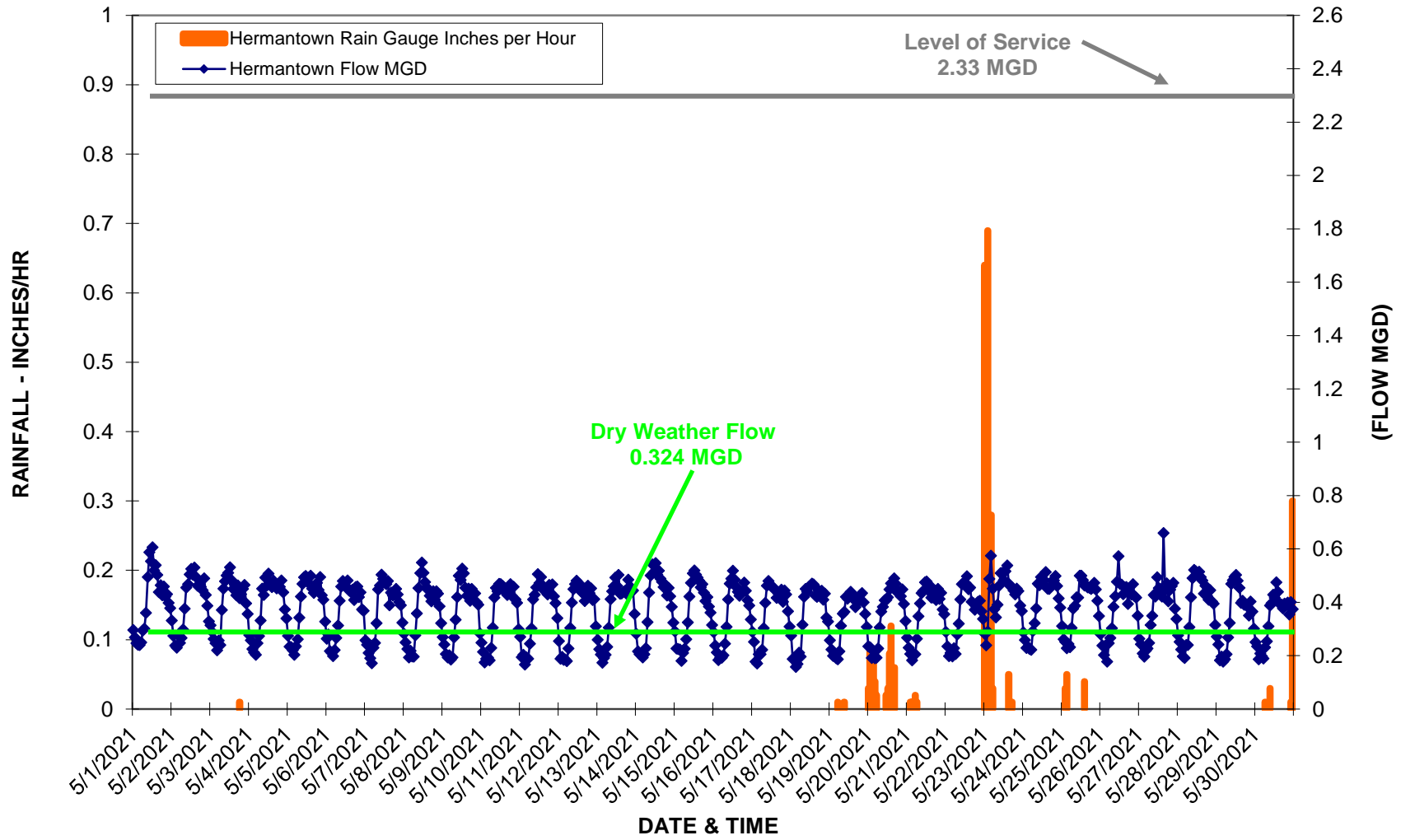
Data Verified by:
Julie Macor, Director of Environmental Services - (218) 740-4814
Grant Brown, Director of Information Services - (218) 740 - 4777
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Initialed By: JLM
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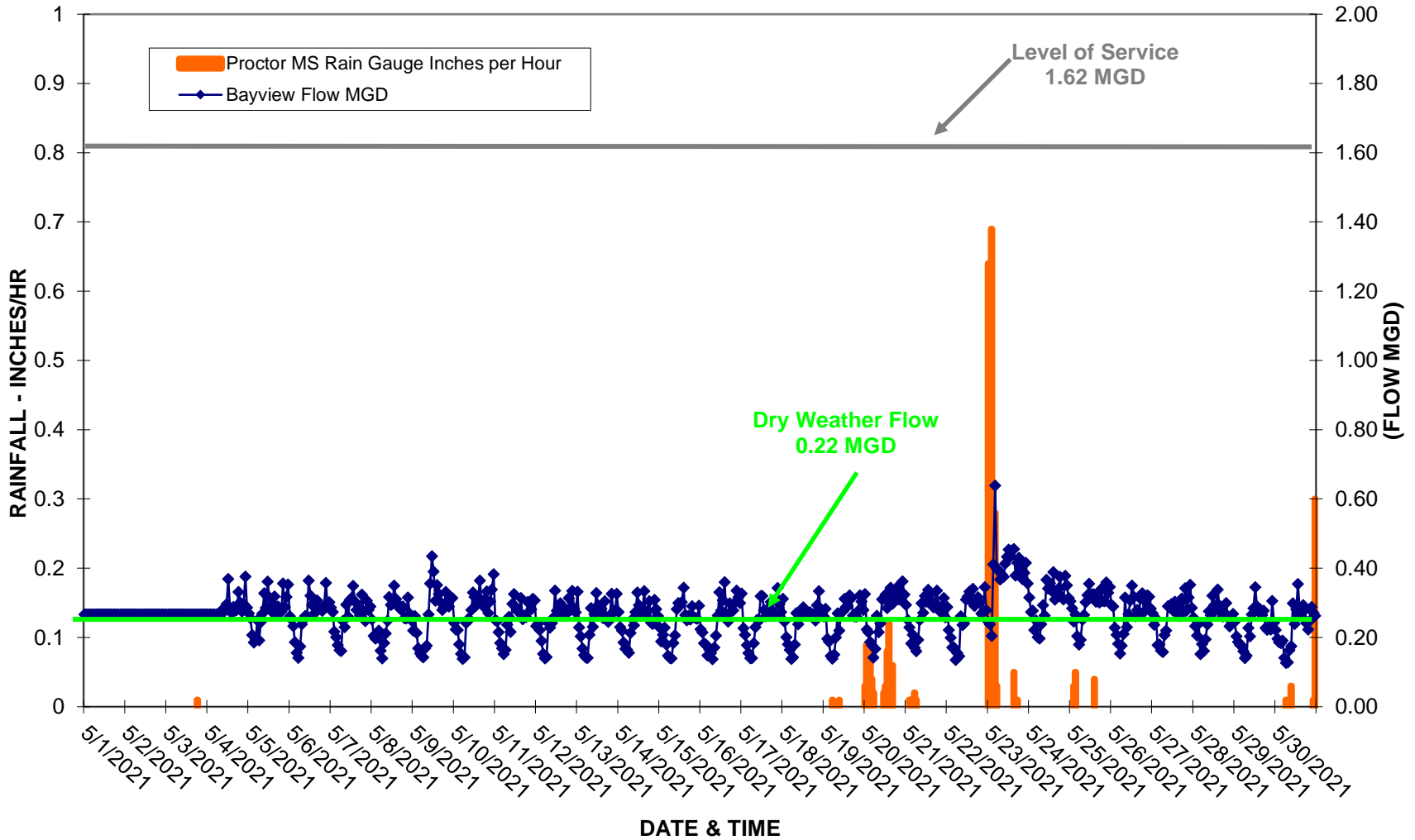
Hermantown Flow + Bayview May 2021



Hermantown Flow - Haines Road May 2021



BAYVIEW METERING STATION May 2021



2021 Connection Applications Received

Application Signed Date	Address	Sewer	Water	Home Owner	New or Existing Home
1/6/2021	3691 Patriot Lane	x	x	Jay Zierden	New
1/28/2021	4995 W Arrowhead Rd	x	x	Les Adolphson	New
2/24/2021	4975 Thompson Rd		x	Thomas & Sharon Havron	Existing
3/3/2021	5064 Silver Leaf St	x	x	Jason & Rachel Wise	New
3/8/2021	4180 W Pond Dr.	x	x	David Rauschenfels	New
3/15/2021	4720 Morris Thomas Rd		x	Shelley & Evan Wingness	Existing
3/31/2021	4059 Ugstad Rd	x	x	Clear Vision Builders	New
3/31/2021	4061 Ugstad Rd	x	x	Clear Vision Builders	New
3/31/2021	4063 Ugstad Rd	x	x	Clear Vision Builders	New
3/31/2021	4065 Ugstad Rd	x	x	Clear Vision Builders	New
4/15/2021	5085 Hermantown Rd	x	x	A-Lign Properties	New
4/15/2021	5087 Hermantown Rd	x	x	A-Lign Properties	New
4/15/2021	5091 Hermantown Rd	x	x	A-Lign Properties	New
4/15/2021	5093 Hermantown Rd	x	x	A-Lign Properties	New
4/28/2021	4320 Theilke Circle	x	x	Kevin Kuklis	New
4/29/2021	3690 Patriot Lane	x	x	Jay Zierden	New
4/29/2021	3692 Patriot Lane	x	x	Jay Zierden	New
4/29/2021	3694 Patriot Lane	x	x	Jay Zierden	New
5/3/2021	4449 Sugar Maple Dr	x	x	Dan Wallin	new
5/3/2021	4451 Sugar maple Dr	x	x	Dwayne Haapanen	new

TO: Utility Commission Members



FROM: Lindsay Townsend, Utility
Billing Clerk

DATE: June 10, 2021

Meeting Date: 6/17/2021

SUBJECT: Utility Billing Happenings

Agenda Item: 7f

-
- Water Conservation Kit walk in/drive thru event set for June 11, 2021 from 9am to 4pm. We will have 75 kits to hand out.
 - Utility Portal Update: 922 accounts, 384 paperless, 225 autopay (Previous month: 885 accounts, 374 paperless, 214 autopay)
 - Past Due Accounts: 114 accts (107 accounts last month)
120 days – 9 accts (Previous month:10)
90 days – 4 accts (Previous month:8)
60 days – 20 accts (Previous month: 13)
30 days – 81 accts (Previous month: 78)
 - 184 assessment searches completed so far this year. Last year at this time 216 were done.
 - Ongoing Projects: Update Ordinances, Policies & Procedures
Started this project, met with City attorney on May 12, 2021. First draft of updates completed.
 - Upcoming Projects: Once the ordinance updates are finalized, we plan to make changes to documents in the City of Hermantown Handbook to make sure they are in line with the new ordinance updates. The first two that we will work on are the “Sewer Trunkline Connections” and “Utility Availability Charges” procedures. Both current procedures are attached.

Handbook for the City of Hermantown			
✓ Policy – Resolution 2010-93		✓ Procedure	
Date Adopted 9/8/10	Title: Sewer Trunkline	Section: Public Works	
Revision Dates:	Connections	Page: 1 of 1	

Background:

The City Council of the City of Hermantown adopted the 2001 Hermantown Code, Chapter 9, which provided rules and regulations for the operation and maintenance of utilities and services.

Such Ordinance contemplates that the City Council shall, by Resolution establish a schedule of charges for the services of the city in connection with the utilities and services.

The City Council has carefully considered such matters and believes it to be in the best interests of the City of Hermantown to adopt a sewer availability charge to connect to the trunk line.

The sewer availability charge shall remain in force and effect until amended by Resolution of the City Council.

Factual Conclusions:

1. The present connection charge for connections to the Sewer Trunk Line is \$1,500.00 (“Trunk Line Connection Charge”).
2. The present Trunk Line Connection Charge was established on May 1, 2000 based on the City’s cost for material and labor to make a connection to a Sewer Trunk Line and based on the assumption that property owners adjacent to the Sewer Trunk Line did not have a say in the location of the trunk line.
3. Direct connections to the Sewer Trunk Line should be minimized and not be allowed if at all possible.
4. The location of a Sewer Trunk Line adjacent to a home does not implicate City Ordinance No. 77-05, which requires a connection be made to a sewer line.
5. The present cost to the City for material and labor to make a connection to a Sewer Trunk Line is at least \$2,500.00.

Trunkline Sewer Availability Charge:

1. The Trunk Line Sewer Availability Charge is hereby set at \$2,500.00 subject to increases as determined from time to time.
2. Connections to the Sewer Trunk Line should be discouraged and utilized only if no other reasonably practical alternative is available or if a health hazard exists that would be remedied by a connection to the Sewer Trunk Line.

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 1 of 10

Purpose:

The purpose of this Policy is to outline the process of how a utility (water or sewer) availability charge is set and applied to a parcel of land. The Policy will also provide for a way for the City to track those charges in order to collect when a landowner connects to the utility. This (policy/procedure) will apply to availability charges created after January 1, 2013 (not all provisions may apply to current projects 314R, 435, & 442)

Description:

An availability charge is a charge for connecting to a utility (water or sewer) when the property previously had not been either assessed or was only partially assessed for the benefit that the utility provides to the land. The statutory authority for such charges is §444.075, Subd. 3. From the City’s perspective it can be viewed as a contingent/deferred “accounts receivable” as the amount is due only when the landowner actually connects to the utility.

When Availability and not Assessment:

Availability charges are not considered a lien against the property until they are imposed and do not require a public hearing like an assessment. Generally, sewer and water improvements are financed by assessments against the property, but there are two situations where the City may impose an availability charge instead of an assessment.

- A. **Extra Services:** During certain projects, landowners may request additional work be done for possible future development of their land beyond the primary service line to the existing structure on the property. If additional services are expected, but not connected at the time, then an availability charge over and above the assessment for the primary structure will be created. That availability charge will become payable when the additional hook up is completed.
- B. **Public Interest:** On occasion, utility improvement districts are not initiated or driven by a petition of the affected property owners, but the City Council determines that it is the best interest to construct the utility, and then the Council may establish an availability charge for connecting to the infrastructure for all properties benefiting from the improvement. The amount will be determined by the City Council and set by Resolution.

Availability Charges may not be deferred. The landowner must pay the availability charge once they connect to the utility.

Inflation Adjustment Rate: An Inflation Adjustment Rate for Availability charges will be a set rate and not be dependent on a rate being paid by the City on a current bond. The City will use current debt service rates as guideline. The City will determine that rate at the time of adopting the resolution creating the availability. The inflation adjustment rate will have two purposes: 1. Encourage early payment 2. Cover the cost of debt service (cost of money over time). The inflation adjustment rate will be applied from the date of the adoption of the resolution creating

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 2 of 10

the availability. However, in no case shall the principal amount of availability charge increase beyond 150% of the original availability charge as set by the resolution.

Determination of Amount:

The amount of the availability charge will be determined by applying the inflation adjustment rate to the original availability charge subject to the limitations contained in the preceding paragraph upon completion of the project and set by resolution. The resolution will set that amount and the inflation adjustment rate to be utilized in determining the availability charge.

Procedures:

1. Resolution declaring availability charges
 - a. Notice to landowner
 - b. No public hearing required
2. Recording of availability (See Exhibit A and B)
3. Paying the Availability
 - a. Pay lump sum at time of connection
 - b. Finance through City Contract with interest at the rate applicable to City Contracts at the time the availability charge becomes payable. This interest is in addition to the inflation adjustment rate and is not subject to the 150% cap set forth above in the Inflation Adjustment Rate paragraph above.

Allocation of Funds:

Availability charges collected will be allocated to one of the following funds:

1. **Bond Fund:** If the cost of the services for which the availability was charged was funded by bonds, then the amount collected will be allocated to that bond fund and used to offset the debt service.
2. **Special Deficiency Fund:** If the amount is over and above the assessments for a project that will be used to fund the debt service on the bonds for the project, then the amount of the availability collected will be allocated to the Special Deficiency Fund and will be used per the purpose of that Fund
3. **Utility Fund:** If the cost of the services for which the availability was charged was funded by utility fund, then the amount collected will be allocated to that utility fund and used to offset the debt service.

Deferred Assessments & Availability Charges: Deferred Assessments and Availability Charges existing as of the date of this policy will be reviewed to see if appropriate certificates have been recorded with respect to them and if not, the proper certificates will be recorded.

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 3 of 10

Exhibit A

Current Certificate of Sewer/Water Availability Charge

CERTIFICATE OF SEWER AVAILABILITY CHARGE

The City of Hermantown hereby certifies that a Sewer Availability Charge has been reserved against the parcels of property described in Exhibit A attached hereto pursuant to the provisions of Hermantown Resolution No. 20__ - ____.

For details with respect to such Sewer Availability Charge please contact the City Clerk of the City of Hermantown.

Dated the _____ day of _____, 20__.

CITY OF HERMANTOWN

By _____
Its Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Deborah Lund, the City Clerk, of the City of Hermantown on behalf of the City of Hermantown.

NOTARIAL STAMP OR SEAL

Signature of Person Taking Acknowledgement

This Instrument was drafted by:

Steven C. Overom
31 W Superior Street, Suite 402
Duluth MN 55802
(218) 726-0805

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06	Procedure	
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 4 of 10

Exhibit B
New with new policy/procedure after effective date
Certificate of Sewer/Water Availability Charge

CERTIFICATE OF SEWER AVAILABILITY CHARGE

The City of Hermantown hereby certifies that a Sewer Availability Charge of \$_____ (“Original Sewer Availability Charge”) has been reserved against the parcels of property described on Exhibit A attached hereto pursuant to the provisions of Hermantown Resolution No. _____.

The SAC is not a lien on the Property, but is in the nature of a connection charge. This Certificate is being recorded against the Property to provide notice that a SAC may be imposed on the property if _____. Unless _____, the SAC will never become payable.

The principal amount of the Sewer Availability Charge will increase by an inflation adjustment rate of ___% until it is paid in cash or under a City contract, provided that the Sewer Availability Charge shall not increase beyond 150% of the original Sewer Availability Charge.

For details with respect to the Sewer Availability Charge please contact the City Clerk of the City of Hermantown.

Dated the _____ day of _____, 20__.

CITY OF HERMANTOWN

By _____
Its Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Deborah Lund, the City Clerk, of the City of Hermantown on behalf of the City of Hermantown.

NOTARIAL STAMP OR SEAL

Signature of Person Taking Acknowledgement

This Instrument was drafted by:

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 5 of 10

Steven C. Overom
31 W Superior Street, Suite 402
Duluth MN 55802
(218) 726-0805

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 6 of 10

Resolution No. 20xx-xxx

**RESOLUTION ADOPTING AVAILABILITY CHARGES FOR SEWER
IMPROVEMENT DISTRICT NO. _____**

WHEREAS, the City of Hermantown has caused the improvements identified as Project _____ to be constructed (“Project”); and

WHEREAS, the Project includes the construction of _____ (“Utility”); and

WHEREAS, the City constructed the Project pursuant to statutory powers granted to it including, without limitation, § 444.075 of the Minnesota Statutes; and

WHEREAS, the City desires to impose just and equitable charges for the availability of the Utility pursuant to Minnesota Statutes § 444.075, Subd. 3; and

WHEREAS, proposed availability charges for the Utility (“SAC and/or “WAC”) have been prepared by the City Administrator with the assistance of the City Engineer and they are shown on Exhibit A attached hereto; and

WHEREAS, the City Council, having received and considered all of the evidence presented to it upon the entire City file in this matter, hereby makes the following:

FINDINGS OF FACT

A. The methodology followed by the City in determining the proposed SAC and/or WAC to be reserved against the affected properties was and is fair, equitable and reasonable.

B. The SAC and/or WAC against the affected properties are and were based upon benefits received by the various properties and the amount of the SAC and/or WAC against any particular parcel of property does not exceed the benefits received by such parcel of property.

C. On the basis of the foregoing Findings of Fact, which are hereby adopted, the City Council of the City of Hermantown is hereby resolved as follows:

1. The SAC and/or WAC shown on Exhibit A attached hereto are hereby adopted and shall constitute the SAC and/or WAC against each piece and parcel of property named therein.

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 7 of 10

2. The SAC and/or WAC shall be payable as follows:

2.1 The SAC and/or WAC listed on the Exhibit A attached hereto shall become payable upon the first connection being made to the Utility from the property affected by the SAC and/or WAC as the case may be.

2.2 The SAC and/or WAC shall be payable in cash or pursuant to a City Utility Contract.

3. The City Clerk shall mail a notice of the adoption of this Resolution to the owners of each piece and parcel of property affected by this Resolution. Such notice shall be in substantially the form of the one attached as Exhibit B

4. The City Clerk shall record a Certificate of Availability Charge in the form of the one attached hereto as Exhibit C with the appropriate land title recording office for each piece and parcel of property affected by this Resolution.

Councilor _____ introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor _____ and, upon a vote being taken thereon, the following voted in favor thereof:

and the following voted in opposition thereto:

WHEREUPON, such resolution was declared duly passed and adopted.

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 8 of 10

EXHIBIT A

SAC and WAC Charges

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 9 of 10

EXHIBIT B

NOTICE OF AVAILABILITY CHARGE

Hermantown, Minnesota
_____, 20__

TO:

This is to notify that Resolution No. 20__-__ established the final availability charges for the construction of _____ was adopted by the City Council of the City of Hermantown on _____, 20__ pursuant to Minnesota Statutes, § 444.075. Resolution 20__-__ is on file for inspection in the office of the City Clerk.

As a result of the adoption of the Resolution No. 20__-__, a \$_____ (“SAC”) and/or \$_____ (“WAC”) has/have been reserved against the property owned/occupied/leased by you which has been assigned CVT-Plat-Parcel Number _____. Such SAC and/or WAC will be payable in cash or under a standard City Utility Contract with interest thereon at the rate then applicable to City Utility Contracts.

CITY OF HERMANTOWN

By _____
Its City Clerk

Handbook for the City of Hermantown		
✓ Policy – Resolution 2013-06		Procedure
Date Adopted January 7, 2013	Title: Utility Availability Charges	Section: Public Works
Revision Dates:		Page: 10 of 10

EXHIBIT C
Certificate of Sewer/Water Availability Charge

CERTIFICATE OF SEWER AVAILABILITY CHARGE

The City of Hermantown hereby certifies that a Sewer Availability Charge (“SAC”) of \$_____ has been reserved pursuant to the provisions of Hermantown Resolution No. 2014-__ against the parcel of property (“Property”) legally described on Exhibit A attached hereto, which has been assigned CVT-Plat-Parcel Number _____ by the St. Louis County Auditor.

The SAC is not a lien on the Property, but is in the nature of a connection charge. This Certificate is being recorded against the Property to provide notice that a SAC may be imposed on the property if _____. Unless _____, the SAC will never become payable.

For further details with respect to such Sewer Availability Charge please contact the City Clerk of the City of Hermantown.

Dated the _____ day of _____, 2014.

CITY OF HERMANTOWN

By _____
Its Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014 by Deborah Lund, the City Clerk, of the City of Hermantown on behalf of the City of Hermantown.

NOTARIAL STAMP OR SEAL

Signature of Person Taking Acknowledgement

This Instrument was drafted by:

Steven C. Overom
31 W Superior Street, Suite 402
Duluth MN 55802
(218) 726-0805