

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, synovial 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)

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

900.11.2.1. 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)

900.11.2.2. 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)

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

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

900.11.2.5. 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 910 – Stormwater Utility

910.01 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.

910.01.1 “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.

910.01.2 “City” shall mean the City of Hermantown.

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

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

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

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

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

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

910.01.9 “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.

910.01.10 “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.

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

- 910.01.11.1** Ag Non-Productive Contiguous
- 910.01.11.2** Agricultural
- 910.01.11.3** Assessed Elsewhere
- 910.01.11.4** Cemeteries – Private
- 910.01.11.5** Cemeteries – Public
- 910.01.11.6** County Public Property
- 910.01.11.7** County Public Service Enterprises
- 910.01.11.8** Federal Public Property
- 910.01.11.9** K-12 Schools – Public
- 910.01.11.10** Managed Forest Lands
- 910.01.11.11** Municipal – All Other
- 910.01.11.12** Municipal Public Service Enterprises
- 910.01.11.13** Non-Homestead Agricultural Land
- 910.01.11.14** Vacant Land
- 910.01.11.15** Rural Vacant Land
- 910.01.11.16** State Administered Lands
- 910.01.11.17** State Public Property
- 910.01.11.18** Streets and Roadways
- 910.01.11.19** Tax-Forfeited Real Estate

910.01.12 “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.

910.01.13 “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 906.

910.01.14 “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.

910.01.15 “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.

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

910.01.16.1 Commons Area Assessed Parcel

910.01.16.2 Non-Comm Seasonal Residential Recreational

910.01.16.3 Residential 1 Unit

910.01.16.4 Residential 2-3 Units

910.01.16.5 Residential Non-Homestead (Single Unit)

910.01.17 “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.

910.01.18 “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.

910.01.19 “Stormwater Utility” shall mean the utility created by this Section 910 to operate, maintain and improve the City’s Municipal Separate Storm Sewer System.

910.01.20 “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.

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

910.02 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.

910.02.1 The revenues of the Stormwater Utility shall be subject to provisions of this Section 910 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 910. The Stormwater Utility, and all assets of the Stormwater Utility shall at all times be under the management and control of the City Council.

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

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

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

910.03.2 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.

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

910.03.4 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:

910.03.4.1 Public education and outreach on storm water impacts.

910.03.4.2 Public involvement/participation.

910.03.4.3 Illicit discharge detection and elimination.

910.03.4.4 Construction site storm water runoff control.

910.03.4.5 Post-construction runoff control in new development and redevelopment.

910.03.4.6 Pollution prevention for municipal operations.

910.04 Rates and Charges. The City shall charge Stormwater Utility Fees to pay the operation costs described in Section 910.03. The Stormwater Utility Fees shall be established by the City Council in accordance with this Section 910.04. 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 910.06. 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 910.11.

910.04.1 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.

910.04.2 Minimum Stormwater Utility Charges.

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

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

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

910.04.4 Nonresidential Property. Subject to Section 910.04.2, 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).

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

910.04.6 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.

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

910.05.1 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.

910.05.1.1 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.

910.05.2 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.

910.06 Credits for Nonresidential Property.

910.06.1 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.

910.06.2 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.

910.06.3 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.

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

910.06.5 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.

910.06.6 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for water quality (total suspended solids and/or phosphorous).

910.06.7 A credit of 25% of the Stormwater Utility Fee for a Nonresidential Property determined by operation of Section 910.04 may be given for Nonresidential Property which employs BMPs to manage stormwater runoff for rate control and detention.

910.06.8 Credits are cumulative and shall not exceed 50% of the Stormwater Utility Fee determined by operation of Section 910.04.

910.07 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 of any nonresidential property to provide the City with necessary surveys and other information as the City may reasonably 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.

910.08 Adjustment Determinations. Impervious Area adjustments made by Section 906.07 and Credit adjustments made by Section 910.06 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.

910.09 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 906.

910.10 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.

910.11 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 pursuant to Minnesota Statute 444.075.

(Am. Ord. 2018-11, passed 11-19-18) (Am. Ord. 2021-05, passed 8-16-21) (Am. Ord. 2023-05, passed 6-20-23)

Section 920 - Wastewater System and Sewer Utility

920.01 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 930.01 of this Chapter.

920.05 Wastewater Facilities System Continued.

920.05.1 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.

920.05.2 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.

920.06 User Charge System Continued.

920.06.1 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.

920.06.2 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.

920.06.3 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 930.09.6. Money paid to the County Auditor on the account shall belong to the City and shall be remitted to the 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.

920.06.4 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.

920.06.4.1. 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.

920.06.4.2. 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 provided by the City to be installed by a licensed plumber at the owner, user or occupant's cost and subject to the supervision and inspection of the Public 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 charge a monthly rate set forth in the City's Fee Schedule.

920.06.5 Charges; Special. Where the owner, occupant or user of the service has been required by the Public Works Director or the WLSSD as authorized by this Section 920 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.

920.06.6 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 920.07 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.

920.06.7 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.

920.07 Unpolluted Water Surcharge.

920.07.1 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.

920.07.2 Procedure for Establishing Unpolluted Water Surcharge.

920.07.2.1 The City Council of the City shall be authorized to proceed under the procedures set forth in 920.07.2.2 or 920.07.2.3 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.

920.07.2.2 City Wide Charge.

920.07.2.2.1. 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 920.07.2.3, 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 920.07.2.3, verified annually. In the event that the City determines that a sewer customer is no longer in compliance with the terms of

920.07.2.3, 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.

920.07.2.2.2. 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.

920.07.2.3 Individual Users Determined.

920.07.2.3.1. The City Council may impose an Unpolluted Water surcharge on individual users as provided herein. If the 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 multiplied by the usual sewer rate as set by the Fee Schedule, as it may be amended from time to time.

920.07.2.3.2. 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.

920.07.2.3.3. 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.

920.07.2.3.4. 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 920.07.2.3.3 shall be followed after such inspection is completed.

(Am. Ord. 2009-04, passed 8-3-09) (Am. Ord. 2014-06, passed 6-16-2014) (Am. Ord. 2021-05, passed 8-16-21)

Section 930 - Public Sewers and Private Disposal Systems

930.01 Definitions. The following words and phrases when used in the definitions in Section 920 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.

930.01.1. “Authorized Inspector” shall mean an inspector authorized by the City.

930.01.2. “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*.

930.01.3. “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.

930.01.4. “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.

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

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

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

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

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

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

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

930.01.12. “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.

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

930.01.14. “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.

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

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

930.01.17. “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.

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

930.01.19. “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.

930.01.20. “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.

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

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

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

930.01.24. “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.

930.01.25. “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.

930.01.26. “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.

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

930.01.28. “Onsite wastewater disposal system; individual sewage treatment system or ISTS” shall mean an arrangement of devices or structures for treating domestic or nondomestic 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.

930.01.29. “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.

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

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

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

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

930.01.34. “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.

930.01.35. “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.

930.01.36. “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.

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

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

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

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

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

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

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

930.01.44. “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.

930.01.45. “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.

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

930.01.47. “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).

930.01.48. “*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.

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

930.01.50. “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*.

930.01.51. “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).

930.01.52. “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.

930.01.53. “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.

930.01.54. “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.

930.01.55. “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.

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

930.01.57. “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.

930.02 General Provisions.

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

930.02.2. 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.

930.02.3. 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.

930.02.4. 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 Public Works Director and Engineer.

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

930.03 Use of Public Sewers Required.

930.03.1. 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.

930.03.2. 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.

930.03.3. 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:

930.03.3.1. 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.

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

930.03.3.3. 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.

930.03.4. Assessments. All assessments hereunder shall be made consistent with the procedures set forth in the City's Assessment Policy found in the Handbook for the City of Hermantown.

930.03.5. Sewer Availability Charge. 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 pursuant to Minnesota Statutes Section 444.075.

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

930.03.7. 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.

930.04 Private Wastewater Disposal.

930.04.1. Unavailability of Public Sewer. Where a public sewer is not available as described in section 930.03 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.

930.04.2. 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.

930.04.3. 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.

930.04.4. 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.

930.04.5. 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.

930.04.6. 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 930.03 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.

930.04.7. 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.

930.05 Building Sewers and Connections.

930.05.1. Permit Required.

930.05.1.1. 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 Public Works Director.

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

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

930.05.1.2.2. 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 Public 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 Public Works Director a report, in form and substance satisfactory to the Public 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.

930.05.1.2.3. 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.

930.05.1.2.4. No Building Sewer connection permit shall be issued unless the Public 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.

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

930.05.1.2.6. 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.

930.05.1.2.7. 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.

930.05.1.2.8. 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.

930.05.1.2.9. 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 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.

930.05.1.2.10. The applicant for the permit must notify the Superintendent 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.

930.05.1.2.11. 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 Public Works Director.

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

930.05.1.2.13. 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.

930.05.1.2.14. 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.

930.05.2. 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.

930.05.A Certificate of Building Sewer Compliance.

930.05.A.1 Definitions. All definitions set forth in Section 930.01 are applicable to this Section 930.05.A. In addition, the following words and phrases when used in this Section 930.05.A and when otherwise used in this Chapter shall have the meanings ascribed to them in this Section 930.05.A unless the context clearly requires otherwise.

930.05.A.1.1 “Certificate of Building Sewer Compliance” means a certificate issued by the 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.

930.05.A.1.2 “Correction Notice” means the written notice issued by the 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.

930.05.A.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 90.05.A, 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.

930.05.A.1.4 “Inspection Report” means the report required to be provided to the Public Works Director by the Owner pursuant to Sections 930.05.A.4 of this Ordinance.

930.05.A.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.

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

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

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

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

930.05.A.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.

930.05.A.2 Certificate of Building Sewer Compliance. If the Owner needs to obtain a Certificate of Building Sewer Compliance pursuant to Section 930.05.A.3, the Owner shall complete an application for a Certificate of Building Sewer Compliance on a form prescribed by

the Public 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.

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

930.05.A.3.1 Events Requiring a Building Sewer Inspection. Except as provided by Section 930.05.A.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:

930.05.A.3.1.1 If the Public 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.

930.05.A.3.1.2 Upon a determination by the Public 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.

930.05.A.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.

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

930.05.A.3.2 Exceptions. The following are exceptions to the Building Sewer inspection requirements provided in Sections 930.05.A.3.1.1 ad 930.05.A.3.1.4:

930.05.A.3.2.1 Structures that were constructed ten (10) years or less prior to any event listed in Section 930.05.A.3.1.3;

930.05.A.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 930.05.A.3.1.3 and 930.05.A.3.1.4 and the Owner provides the Public Works Director with documentation that the replacement, relining or installation was satisfactorily completed in the prior ten (10) years;

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

930.05.A.3.2.4 The Owner replaces or relines the Building Sewer upon the occurrence of one of the events in Sections 930.05.A.3.1.1 and provides evidence of such replacement or repair satisfactory to the Public Works Director.

930.05.A.4 Building Sewer – Inspection Report – Requirements

930.05.A.4.1 Report Required. If an Owner is required to have an inspection performed for the Building Sewer under Sections 930.05.A.3.1.1 through 930.05.A.3.1.4, or voluntarily has an inspection conducted for the Building Sewer, an Inspection Report must be provided to the Public Works Director in the form set forth herein. The Inspection Report shall be prepared in a format acceptable to the Public 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 Public Works Director proving that the relining or replacement was properly completed.

930.05.A.4.2 Inspection Report Standards. The Building Sewer Inspection Report required by Section 920.05.A shall be prepared in accordance with the following requirements and specifications:

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

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

930.05.A.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 930.05.A.4.3.

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

930.05.A.4.2.2.3 Date of the inspection.

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

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

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

930.05.A.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.

930.05.A.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.

930.05.A.4.3 Building Sewer Inspection Criteria. A Property complies with the provisions of this Section 930.05.A if the inspection verifies all of the following conditions:

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

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

930.05.A.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.

930.05.A.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.

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

930.05.A.5 Compliance and Expiration.

930.05.A.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 Public Works Director has reason to believe the Building Sewer is in a defective condition.

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

930.05.A.6 Correction Notice.

930.05.A.6.1 If an Inspection Report discloses that the use of the Property is not in accordance with the provisions of Section 930, a Correction Notice may be issued by the 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.

930.05.A.6.2 A Correction Notice may be issued by the Superintendent permitting transfer of title of the Property if the following conditions are met:

930.05.A.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 930 within one hundred eighty (180) days of the transfer of Property, and agree that if acceptable proof that the corrections have been made are not provided to the Public 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.

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

930.05.A.7 Failure to Comply; Penalty.

930.05.A.7.1 Owners not in compliance with this Section 930.05.A will be charged a monthly surcharge in an amount established from time to time by the City Council.

930.05.A.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 930.05.A. The surcharge shall be levied monthly on properties not complying with the provisions of this Section 930.05.A. This charge shall cease when the Property has been inspected and a Certificate of Building Sewer Compliance is issued by the Public Works Director.

930.05.A.7.3 The City may also enforce the terms of this Section 930.05.A in any manner it deems appropriate as allowed by applicable law.

930.05.A.7.4 A violation of the provision of this Section 930.05.A.7.4 is a misdemeanor.

930.06 Use of the Public Sewers.

930.06.1. 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.

930.06.2. 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.

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

930.06.3.1. 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, naptha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

930.06.3.2. 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.

930.06.3.3. 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.

930.06.4. 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 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 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:

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

930.06.4.2. 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.

930.06.4.3. 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).

930.06.4.4. Any garbage that is not properly shredded garbage.

930.06.4.5. 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.

930.06.4.6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the 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.

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

930.06.4.8. 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.

930.06.4.9. 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.

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

930.06.4.11. 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.

930.06.4.12. 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.

930.06.4.13. Wastewater contaminated by petroleum oil, fuel, organic solvents, or other toxic organic compound which contains more than 1 milligram per liter (mg/l) of anyone 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.

930.06.4.14. 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.

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

930.06.4.16. 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.

930.06.5. Grease, Oil and Sand Interceptors. In Addition to the requirements of Section 980, 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 Public 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 Public 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.

930.06.6. 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.

930.06.7. Metering and Testing of Waste.

930.06.7.1. 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 Public Works Director and the WLSSD.

930.06.7.2. 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.

930.06.7.3. 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 930.06.7 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.

930.06.7.4. 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.

930.06.8. 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.

930.06.9. Accidental Discharges.

930.06.9.1. 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 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.

930.06.9.2. 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.

930.06.10. 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.

930.06.11. 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.

930.07. Damage to Wastewater Facilities Prohibited.

930.07.1. 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.

930.07.2. Deposits or Obstructions.

930.07.2.1. 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.

930.07.2.2. 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.

930.07.3. Unauthorized Discharges.

930.07.3.1. 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 Public 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 Public Works Director may:

930.07.3.1.1. Refuse to accept the wastes.

930.07.3.1.2. 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.

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

930.07.3.1.4. 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.

930.07.3.2. If the Engineer and/or Public 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.

930.08 Powers and Authority of Inspectors.

930.08.1. Right of Entry. The Public 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 Public 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.

930.08.2. Easements. The 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.

930.09 Penalties for Violation.

930.09.1. 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 930.

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

930.09.3. Fines and Penalties.

930.09.3.1. Any person who is convicted of a violation of this section 930 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.

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

930.09.4. Collection.

930.09.4.1. 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.

930.09.4.2. 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.

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

930.09.4.4. 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 930.

930.09.4.5. The provisions of this section 930.09.4 are in addition to and not a substitute for the provisions of section 920.06 of the Hermantown Ordinance Code. The remedies available to the City under section 920.06 of the Hermantown City Code are available to collect amounts due the City under this section 930.

930.09.5. 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.

930.09.6 Delinquent Sewer Accounts. All charges for sewer service shall be paid on or before the bill due date 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 City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed. Delinquent accounts may be certified to St. Louis County to be paid on the following year's property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.

930.09.7. 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 930 and exercising the remedies available to the City under section 90.06 of the Hermantown City Code.

920.09.8. 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.

(Ord. 2006-11, passed 12-19-06) (Am. Ord. 2011-08, passed 10-03-11) (Am. Ord. 2014-06, passed 6-16-2014) (Ord. 2020-02, passed 3-2-2020) (Am. Ord. 2021-05, passed 8-16-21) (Am. Ord. 2023-05, passed 06-20-23)

Section 940 – Water and Water Utility

940.01 Definitions.

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

940.01.2. “Commission” shall mean the City Utility Commission.

940.01.3. “Department” shall mean the Utility Department in the City.

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

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).

940.01.6. “Water Availability Charge or “WAC” shall mean the fess and charges, if any, established from time to time by the City Council for access or connection to the City water main.

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

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 Improvement, 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.

940.06 Applications.

940.06.1. All applications 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 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.

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

940.07 Service Charges.

940.07.1 Service Installation Charges.

940.07.1.1. The service installation charge periodically approved by the Council to be paid prior to water meter installation for routine water service shall include the 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 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.

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.

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

940.08 Assessments.

940.08.1. All assessments hereunder shall be made consistent with the procedures set forth in the City's 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.

940.08.3. The above charges due and payable to the 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 Council.

940.08.4. 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 City prior to any such removal, sale or transfer of property.

940.08.5 Water Availability Charge. The City shall impose a Water Availability Charge ("WAC") for any new connections to an existing City water main where such property has not been previously connected or assessed for the cost of the main. The purpose of the WAC is to provide funds for the waterworks and the payment of the capital charges used to finance the additions or expansions to the facilities and the payment of reasonable reserves for repair. The amount of the WAC shall be determined by the City pursuant to Minnesota Statutes Section 444.075.

940.09 Water Rates.

940.09.1 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 Council.

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

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

940.09.4 Fire Service.

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.

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

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

940.10 Delinquent Water Accounts. All charges for water service shall be paid on or before the bill due date 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 City to promptly collect delinquent accounts, and in all cases where satisfactory arrangements for payment have not been made, the past due procedure will be followed, which may result in shutting off the water at the stop box. Delinquent accounts may be certified to St. Louis County to be paid on the following year's property taxes. The Clerk shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served.

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

940.11.1. 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.

940.11.2. 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.

940.11.3. 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.

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

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

940.12 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.

940.13 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.

940.14 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 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.

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

940.16 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 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.

940.18 Abandoned Services; Penalties.

940.18.1. 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.

940.18.2. 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 940.29, 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.

940.19 Service Pipes.

940.19.1. The size and type of all service pipes shall be verified by the City.

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 Department, and in all cases so arranged as to prevent rupture by freezing.

940.19.3. 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.

940.19.4. All services over two inches shall be cast iron except as authorized by the Department. Connections with the mains for domestic supply shall be at least $\frac{3}{4}$ -inch to one inch.

940.20 Water Meters.

940.20.1. Except for extinguishment of fires, no person except an agent authorized by the 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 Department. No person not authorized by the 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.

940.20.2. 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, including frozen meters. Any expenses by the 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.

940.20.3. Inaccurate Water Meters. If any water meter is not working or in the judgment of the Public Works Director not making proper water measurement, the meter shall be repaired or replaced. The amount of water to be charged for the 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.

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.

940.20.5. 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 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.

940.20.6 Temporary Meters. For construction purposes by a licensed contractor, uses that do not discharge into the public sewer system, the Department may issue a temporary water meter for use on a construction site or 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. 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 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:

940.21.1. 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 Department. The stop and waste valve shall be installed about 12 inches above the floor.

940.21.2. 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 Department. A suitable bracket to support the meter in a proper vertical position and to prevent noise from vibration shall be provided.

940.21.3. 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.

940.21.4. 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 Department.

940.21.5. 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.

940.22 Use of Fire Hydrants. No person except the Public Works Director or his or her agent 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 Department.

940.23 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 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.

940.24 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.

940.25 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 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.

940.26 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 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.

940.27 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.

940.28 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 Department. Contractors or others desiring to obtain water from hydrants for construction purposes shall make written applications to the Department for the service.

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

940.29.1. Service installation charges pursuant to 940.07.1;

940.29.2. Charges for turning on water pursuant to 940.07.2;

940.29.3. Assessments pursuant to 940.05.2;

940.29.4. Water rates pursuant to 940.07.1;

940.29.5. Service charges for disconnection pursuant to 940.18; and

940.26.6. WAC charges and water availability charge.

(Am. Ord. 2021-05, passed 8-16-21) (Am. Ord. 2023-05, passed 06-20-2023)

Section 950 - Fire Hydrants, Mains and Valves

950.01 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.

950.02 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 960 - Street Lighting and Traffic Signal Utility

960.01 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.

960.02 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.

960.03 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.

960.04 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.

960.05 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.

960.06 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 property 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) (Am. Ord. 2021-05, passed 8-15-21)

Section 970 – Locating Sewer and Water Laterals

970.01 Definitions.

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

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

970.01.3. "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.

970.01.4. "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.

970.01.5. "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.

970.01.6. "Locating wire" shall mean:

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

970.01.6.2. 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.

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

970.01.6.4. 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.

970.02 Public Right-of-Way Mapping and Installation.

970.02.1. 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.

970.02.2. 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.

970.03 Locating a Service Lateral.

970.03.1. 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.

970.03.2. 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.

970.03.3. 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.

970.04 Private Service Laterals.

970.04.1. 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.

970.04.2. 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.

970.05 Rules Governing Connections to City Water and Sewermains.

970.05.1. 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.

970.05.2. 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.

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

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

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

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

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

970.07 Compliance.

970.07.1 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 970.04, 970.05 and 970.06.

970.07.2 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 970.04, 970.05 and 970.06 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) (Am. Ord. 2021-05, passed 8-16-21)

Section 980 – Fats, Oils and Grease

Purpose. The purpose of this Section 980 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 980) are the primary source of FOG entering the City Sewer System. This Section 980 requires FOG generating facilities take certain steps to minimize the amount of FOG that enters the City Sewer System.

This Section 980 provides for the enforcement of the terms and provisions of this Section 980 and specifies penalties of various types including sewer service surcharges for non-compliance with its terms. This Section 980 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.

980.02 Definitions.

The following words and phrases when used in this Section 980 shall have the meanings given to them in this Section 980.02 unless the context clearly requires otherwise.

980.02.1. “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.

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

980.02.3. “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.

980.02.4. “City” means the City of Hermantown, St. Louis County, Minnesota.

980.02.5. “City Council” means the City Council of the City of Hermantown.

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

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

980.02.8. “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.

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

980.02.10. “FOG Prevention Plan Certificate” means a certificate issued by the 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.

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.

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

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

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.

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

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.

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

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.

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.

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.

980.02.21. “User” means any person who/which discharges wastewater to the City Sewer System.

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.

980.03 Relationship to Other Laws, Ordinances and Private Agreements.

980.03.1. Compatibility with Other Laws and Ordinances. This Section 980 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 980 should be considered minimum requirements, and where any provision of this Section 980 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.

980.03.2. Private Agreements. This Section 980 is not intended to revoke, repeal or modify any easement, covenant, or other private agreement. The existence of any private

agreement, easement or covenant does not preclude the application of the provisions of this Section 980.

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.

980.05 Minimum Requirements.

980.05.1. 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 980 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 980.06 before a building permit for the new construction or remodeling is issued by the Building Official.

980.05.2. All FOG Generating Facilities are subject to the inspection provisions contained in this Section 980.

980.06 FOG Prevention Plan.

980.06.1. 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.

980.06.2. 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.

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

980.06.3.1. If the 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.

980.06.3.2. The 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 Public Works Director from maintenance and repairs of the City

Sewer System, compliance inspections performed pursuant to this Section 980 or other relevant information available to Public Works Director.

980.06.3.3. The User of and the existing FOG generating facility will have 30 days from the date of notice from the Public Works Director to submit a FOG Prevention Plan to the Superintendent pursuant to this Section 980.06.03.

980.07 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.

980.07.1. The wastewater from the FOG Generating Facility shall not violate the provisions of Section 930.06.4.3 of the Hermantown City Code.

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

980.07.3. 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.

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

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

980.07.6. 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.

980.07.7. 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.

980.07.8. 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.

980.07.9. 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.

980.07.10. 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.

980.07.11. 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.

980.07.12. 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.

980.07.13. 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.

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

980.07.14. 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.

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

980.08 Review of FOG Prevention Plan.

980.08.1. 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 Public Works Director (in the case of an existing FOG Generating Facility) shall determine whether the FOG Prevention Plan is complete.

980.08.1.1. If a FOG Prevention Plan is incomplete, the Building Official or 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.

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

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

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

980.08.1.2.3. If FOG Prevention Plan is disapproved, the User may submit a revised FOG Prevention Plan for review and approval. The Building Official or 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.

980.08.1.2.4. 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 980 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 980.06.03.

980.09 Modification of Plans. An approved FOG Prevention Plan may be modified upon submission of a written request for modification to the Public Works Director, and after written approval by the Public Works Director. In reviewing the modification request, the Superintendent may require additional reports and data. The modified plan should include all of the information listed in Section 980.07.

980.10 Certification. Written certification by the User's licensed plumber shall be submitted to the 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.

980.11 Compliance Inspections.

980.11.1. The 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 Public Works Director.

980.11.2. The 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 980 or other applicable laws, regulations and ordinances.

980.11.3. The 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.

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

980.12 Action Upon Noncompliance.

980.12.1. Notice of Violation. In the event a FOG Generating Facility does not comply with the requirements of this Section 980 or to an approved FOG Prevention Plan or to any instructions of the 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 Public Works Director. If an imminent hazard exists, the Public Works Director may require that the corrective work begin immediately. The notice of violation shall contain:

980.12.1.1. The name and address of the Landowner and/or the User/violator;

980.12.1.2. The address when available or a description of the building, structure or land upon which the violation is occurring;

980.12.1.3. A statement specifying the nature of the violation;

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

980.12.1.5. 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

980.12.1.6. 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.

980.12.2. 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 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.

980.12.2.1. 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.

980.12.3. 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 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 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:

980.12.3.1. Criminal prosecution;

980.12.3.2. Injunctive relief pursuant to Section 980.12.05;

980.12.3.3. 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;

980.12.3.4. Imposition of costs of abatement pursuant to Section 980.12.04;

980.12.3.5. 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;

980.12.3.6. Suspension of City sewer and water services at the property where the violation is occurring;

980.12.3.7. Withholding of the certificate of occupancy for the property where the violation is occurring; and

980.12.3.8. Taking whatever other action is necessary and appropriate to obtain compliance with the terms of this Section 980.

980.12.4. 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 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 980. 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 Public Works Director to perform the abatement work shall be paid by the Landowner out of the security referenced in Section 980.07.13, 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 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.

980.12.5. 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 980. 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.

980.12.6. 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.

980.12.7. Criminal Prosecution. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of

Section 980 shall be guilty of a misdemeanor. Each day there is a violation of any part of Section 980 shall constitute a separate offense.

980.12.8. 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.

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

980.13.1. 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 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.

980.13.2. In situations where there are multiple persons identified as contributing to FOG that causes an obstruction referenced in Section 980.13.01, the 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 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 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.

980.13.3. 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.

980.14 Sewer Service Surcharges for Failure to Implement BMPs

980.14.1. 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.

980.14.2. 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.

980.14.3. 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.

980.14.4. 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.

980.14.5. 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.

980.14.6. For refusing to allow access to 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.

980.14.7. 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.

980.14.8. 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.

980.15 Records Retention

980.15.1. 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.

980.16 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 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.

980.16.1. 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) (Am. Ord. 2021-05, passed 8-16-21)