

CHAPTER 9. UTILITIES AND SERVICES

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920.01 Definitions. The following words and phrases when used in the definitions in Section 910 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.

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

920.01.2. “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*.

920.01.3. “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.

920.01.4. “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.

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

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

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

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

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

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

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

920.01.12. “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.

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

920.01.14. “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.

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

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

920.01.17. “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.

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

920.01.19. “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.

920.01.20. “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.

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

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

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

920.01.24. “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.

920.01.25. “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.

920.01.26. “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.

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

920.01.28. “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.

920.01.29. “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.

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

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

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

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

920.01.34. “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.

920.01.35. “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.

920.01.36. “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.

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

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

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

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

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

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

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

920.01.44. “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.

920.01.45. “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.

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

920.01.47. “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).

920.01.48. “*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.

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

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

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

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

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

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

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

920.01.56. “Wastewater treatment facilities or treatment facilities” or “Sanitary Sewer System” shall mean the land, devices, facilities, structures, equipment and processes owned or

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

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

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

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

920.02 General Provisions.

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

920.02.2. 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.

920.02.3. 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.

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

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

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

920.03 Use of Public Sewers Required.

920.03.1. 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.

920.03.2. 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.

920.03.3. 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:

920.03.3.1. 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.

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

920.03.3.3. The ownership of the property is transferred from one owner to another so as to require a point of sale inspection pursuant to St. Louis County Ordinance 55, Section 6 and the point of sale inspection indicates that the Onsite Wastewater Disposal System is noncompliant.

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

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

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

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

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

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

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

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

920.04 Private Wastewater Disposal.

920.04.1. Unavailability of Public Sewer. Where a public sewer is not available as described in section 920.03 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.

920.04.2. 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.

920.04.3. 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.

920.04.4. 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.

920.04.5. 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.

920.04.6. 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 920.03 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.

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

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

920.05 Building Sewers and Connections.

920.05.1. Permit Required.

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

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

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

920.05.1.2.2. 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 Superintendent. 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 Superintendent a report, in form and substance satisfactory to the Superintendent, 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.

920.05.1.2.3. 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.

920.05.1.2.4. No Building Sewer connection permit shall be issued unless the Superintendent 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.

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

920.05.1.2.6. 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.

920.05.1.2.7. 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.

920.05.1.2.8. 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.

920.05.1.2.9. The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. The Superintendent 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.

920.05.1.2.10. 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.

920.05.1.2.11. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

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

920.05.1.2.13. 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.

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

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

920.05.3. Pump Systems. The owner of a property connected to the Public Sewer shall be the owner of the Building Sewer, including any Pump System which is part of the Building Sewer. The City will, as part of a construction project, designate the type of Pump System that must be utilized by an owner in the Building Sewer that will be connected to the Public Sewer. An owner must utilize the designated Pump System as part of its Building Sewer. The City may also obtain, as part of construction projects, Pump Systems to provide to owners to utilize as part of the Building Sewer. The owner may obtain a pump from the City by entering into an agreement with respect to the Pump System that is provided by the City. The owner of the property shall be the owner of or responsible for the maintenance of any Pump System.

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

920.06 Use of the Public Sewers.

920.06.1. 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.

920.06.2. 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.

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

920.06.3.1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment facilities or to the operation of the treatment facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naphtha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

920.06.3.2. 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.

920.06.3.3. 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.

920.06.4. Other Discharges. No person may discharge or cause to be discharged the following described substance, materials, waters or wastes if it appears likely in the opinion of the Engineer and/or Superintendent that such wastes can harm either the Sanitary Sewers, sewage treatment process, or Wastewater Treatment Facilities, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Engineer and/or Superintendent 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:

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

920.06.4.2. 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.

920.06.4.3. 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).

920.06.4.4. Any garbage that is not properly shredded garbage.

920.06.4.5. 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.

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

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

920.06.4.8. 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.

920.06.4.9. 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.

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

920.06.4.11. 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.

920.06.4.12. 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.

920.06.4.13. 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.

920.06.4.14. 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.

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

920.06.4.16. 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.

920.06.5. Grease, Oil and Sand Interceptors. In Addition to the requirements of Section 970, 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 Superintendent, 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 Superintendent 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.

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

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

920.06.7. Metering and Testing of Waste.

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

920.06.7.2. 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.

920.06.7.3. 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 920.06.7 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.

920.06.7.4. 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.

920.06.8. 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.

920.06.9. Accidental Discharges.

920.06.9.1. Where required by the city, users must provide protection from an accidental discharge of substances regulated by this section. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owners expense. Detailed plans and operating procedures of said facilities must be submitted to the Superintendent 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.

920.06.9.2. 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.

920.06.10. 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.

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

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

920.07. Damage to Wastewater Facilities Prohibited.

920.07.1. 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.

920.07.2. Deposits or Obstructions.

920.07.2.1. 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.

920.07.2.2. 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.

920.07.3. Unauthorized Discharges.

920.07.3.1. 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 Superintendent 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 Superintendent may:

920.07.3.1.1. Refuse to accept the wastes.

920.07.3.1.2. 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.

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

920.07.3.1.4. 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.

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

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

920.08 Powers and Authority of Inspectors.

920.08.1. Right of Entry. The Superintendent 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 Superintendent 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.

920.08.2. Easements. The Superintendent 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.

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

920.09 Penalties for Violation.

920.09.1. 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 920.

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

920.09.3. Fines and Penalties.

920.09.3.1. Any person who is convicted of a violation of this section 920 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.

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

920.09.4. Collection.

920.09.4.1. 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.

920.09.4.2. 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.

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

920.09.4.4. 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 920.

920.09.4.5. The provisions of this section 920.09.4 are in addition to and not a substitute for the provisions of section 910.03 of the Hermantown Ordinance Code. The remedies available to the City under section 910.03 of the Hermantown City Code are available to collect amounts due the City under this section 920.

920.09.5. 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.

920.09.6. Enforcement Alternatives. Notwithstanding any provision in this section to the contrary, the City may use any remedy or alternative available in law or statute in the enforcement of this section, including, without limitation, criminal or civil actions, enforcement

of the Hazardous and Substandard Buildings Act, M.S. sections 463.15 through 463.261, which is incorporated by reference as though fully set forth herein, discontinuing water or sewer service to the property relating to a violation of this section 920 and exercising the remedies available to the City under section 910.03 of the Hermantown City Code.

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

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

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

If the owner requests a hearing, it shall be held promptly by the Utility Commission or such person or persons as may be designated from time to time by the City Council. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this section 920.09.8, the City may certify by resolution the unpaid charges to the St. Louis County Auditor for collection as other taxes are collected. Following any certification, the property owner shall have the following options:

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

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

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

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