

Mountain Iron – Public Works

TITLE V: PUBLIC WORKS

50. GARBAGE DISPOSAL

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CHAPTER 50: GARBAGE DISPOSAL

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. All putrescible wastes, including animal offal and carcasses of dead animals, but excluding human excreta, sewage and other water carried wastes.

OTHER REFUSE. Ashes, crockery, paper boxes, rags, old clothing and all similar non-putrescible wastes; but does not include earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction operations.

RECYCLABLES. Newspapers, glass, aluminum and steel/bi-metal beverage cans, #1 and #2 plastic and corrugated cardboard.
(Ord. 01-00, passed 5-1-2000)

§ 50.02 DEPOSIT OF REFUSE RESTRICTED.

(A) No person shall deposit or cause to be deposited, any garbage, other refuse or recyclables upon any street, alley, vacant lot or upon any ground appurtenant to any building or other city property, except in the manner provided by this chapter. No persons, excepting duly authorized city collectors, shall transport garbage, other refuse or recyclables over any street or alley in the city or disturb, collect, or in any manner interfere with garbage, other refuse or recyclables placed in city authorized containers.

(B) Unauthorized deposit of solid waste. No person shall:

(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; or

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(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

(3) Deposit solid waste, recyclable materials, demolition debris or yard waste within the city in any manner that violates the provision of this chapter.
(Ord. 01-00, passed 5-1-2000)

§ 50.03 STORAGE OF GARBAGE, OTHER REFUSE AND RECYCLABLES.

Except as otherwise provided in this section, all garbage, other refuse and recyclables shall be placed and kept in those containers authorized or provided by the city, which shall be the only kind and type permitted for keeping, storage and holding of garbage, other refuse and recyclables. All garbage, other refuse and recyclables shall be drained of liquid so far as practical. The city supplied containers shall be placed in those portions of the streets or alleyways, as the city may deem necessary and proper or upon private property pursuant to the agreement with the property owner. Recyclables shall be stacked in an accessible location on the premises for pickup according to a schedule established by the City Council or disposed of at a location designated by the city. The city's policy for the provision, maintenance and replacement of authorized garbage containers shall be as follows:

(A) The city shall provide the only authorized garbage containers to be used by its residents.

(B) The city shall provide the first container, at city expense, to all of its residents at such time as the owner/occupant of the property takes up residence.

(C) The city shall make minor repairs in regards to the lids, handles and wheels of the containers at city expense as may be necessary.

(D) The city shall replace containers damaged beyond repair while in the possession of the property owner/occupant, at the property owner's/occupant's expense.

(E) The cost of the replacement can will be added to the resident's monthly fees and be subject to normal penalties and interest charges for non-payment.
(Ord. 01-00, passed 5-1-2000)

§ 50.04 COLLECTION OF GARBAGE, OTHER REFUSE AND RECYCLABLES.

(A) The city shall provide for a method of collection of all garbage, other refuse and recyclables from the premises within the city. Collections for garbage and other refuse shall be made at least one time each week from restaurants, hotels, and other commercial establishments, except those which in the judgment of the County Health Department would not create a health menace or other nuisance if less frequent collections were provided. Collections for garbage and other refuse shall be made from all occupied residential premises at least once each week. The

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city shall initially furnish authorized containers and shall replace said containers as may be necessary. However, the City Council may, by resolution, provide rules and regulations wherein the cost to replace such containers shall be paid by the owner/occupant of the residence, business or other establishment requiring the replacement. Such cost, if imposed upon the owner/occupant, shall be added to the monthly charges.

(B) All garbage, other refuse and recyclables shall be transported on the streets or alleys in the city in vehicles with leak-proof boxes of easily cleanable construction and completely covered with metal or heavy canvas. The vehicle shall be so operated that the contents shall not spill or drip upon streets, alleys or otherwise create a nuisance.

(C) No garbage or other refuse shall be disposed of other than at the state approved landfill facility or through an incinerator installed or maintained by a permit from the County Health Department or through a garbage disposal or grinder.

(D) The City Refuse and Recycling Department shall not collect garbage, other refuse or recyclables from any premises within the city limits if such premises has been designated by the City Council as being impractical from which to make collections.

(E) Independent contractors who provide garbage service to businesses within the city are hereby required to be licensed by the city and/or St. Louis County. The license fee shall be set by resolution of the City Council. The license granted an independent contractor shall be withheld or revoked by the City Council for a transfer of ownership, substantial change in management, or a diminishing quality of service to Mountain Iron businesses.
(Ord. 01-00, passed 5-1-2000)

§ 50.05 DISPOSAL OF GARBAGE AND OTHER REFUSE.

The City Refuse and Recycling Department shall provide for the disposal of garbage and other refuse collected in a sanitary manner, so as not to cause a public health nuisance, the attracting of rats and flies, or other conditions detrimental to public health or comfort. Garbage must be bagged before putting it in garbage canisters to prevent garbage from blowing around when the canister is dumped.
(Ord. 01-00, passed 5-1-2000)

§ 50.06 GARBAGE CHARGES.

(A) There is hereby imposed upon each residence, business or other establishments in the city, a monthly garbage charge in accordance with the schedule, established from time to time by resolution of the City Council, and kept in a book of rate schedules in the office of the City Administrator.

(B) Charges shall be billed monthly to the owner of the premises on the fourteenth of each month, for the preceding month and shall be paid to the City of Mountain Iron on or before the fifth day of the month following the billing date. When any charges remain unpaid after the due date, a penalty of 10% of the current bill shall be added to the delinquent amount due, for

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each month the unpaid balance remains. The city by resolution from time to time shall establish a fee to be imposed by the city for return of a customer's refuse canister when such canister has been removed by the city because of prior delinquent sanitation bills. The customer shall be informed of the additional fee at the time when the notice is given that the canister will be removed unless the delinquent bill is paid. If a customer's container is picked up for delinquent sanitation bills, the customer will continue to be charged the monthly city garbage fee and the monthly county service fee.

(C) Charges in default of payment as of September 1 of each year may be certified by the City Council to the County Auditor and shall be collected and remitted to the city in the same manner as assessments for local improvements. Such assessment will include the penalties provided herein. M.S. Chapter 443, as it may be amended from time to time, titled "Rubbish Removal" as amended is hereby adopted and made a part of this chapter by reference as fully as it sets out at length herein and all amendments are hereby adopted.

(D) In addition to securing the approval of the County Health Department as herein provided, no person shall hereafter install an incinerator without first securing permission of the City Council, which permission may be withheld if in the opinion of the City Council, such incinerator would create an unhealthy, noxious or undesirable condition. At the time of the granting of such permission, the City Council shall by resolution establish a charge for each incinerator and shall after the passage of this chapter keep such rates in a book of rate schedules in the office of the City Administrator.

(E) It is the intent of this ordinance that all garbage and refuse hauling within the city be done by the city for all residents of Mountain Iron and for all commercial and industrial properties except where special circumstances warrant otherwise in the best interest of the city. The City Council may, by resolution, permit owners or occupants of commercial or industrial property to haul and dispose of their own garbage and other refuse, for which a license fee, set by resolution of the City Council, will be charged; this charge being payable in advance and upon payment, a license will be issued to the applicant. However, if a business so authorized to dispose of its own garbage and other refuse shall fail to remove its garbage and other refuse so as to maintain its premises in compliance with the requirements of the County Health Department, its license and authorization to so remove garbage and other refuse shall cease, and the city may then haul and dispose of such garbage and other refuse and make appropriate charges.

(F) Prohibited disposal. No person shall place or cause to be placed any rubbish, garbage, other refuse, construction materials, or anything they intend to dispose of or abandon within or next to a garbage can or dumpster or anywhere else unless they own or lease the receptacle, or have the permission of the property owner or tenant. This does not prohibit the placement of recyclables within the approved recycling center.

(Ord. 01-00, passed 5-1-2000)

§ 50.99 PENALTY.

Any person who fails to comply with, or violates, any of the provisions of this chapter may be charged with a violation thereof and, upon conviction, may be sentenced to payment of a

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fine not to exceed \$700 and/or imprisonment for not more than 90 days. A separate offense shall occur for each day on which a violation occurs or continues.
(Ord. 01-00, passed 5-1-2000)

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CHAPTER 51: WATER SERVICE

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Water and Light Department

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WATER AND LIGHT DEPARTMENT

§ 51.01 DEPARTMENT ESTABLISHED.

There is established a City Water and Light Department. The water, power and heating systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this chapter subject to the authority of the City Council at any time to amend, alter, change or appeal the same.

(Prior Code, § 30.01)

§ 51.02 CONSENT TO REGULATIONS.

The City Council shall have control of all utilities that have been accepted by the city and all work done on the utility or to be done within the right-of-way of any street, highway, alley or other public lands to the end that a proper and sufficient system be maintained.

(Prior Code, § 30.02)

§ 51.03 REPAIRS.

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Every person applying for water, electrical or heat from the city systems and every owner of property for which application is made shall be deemed by such application to consent to all rules, regulations and rates contained in the resolutions or ordinances of the city and to all new rules, regulations or rates duly adopted. All service, service devices and plumbing maintained by the consumer shall at all reasonable times be subject to inspection by duly authorized representatives of the city. The owner shall be notified of any repairs found to be necessary by such representative and if the owner fails, neglects or refuses to make the proper repairs, then the Council may order the Director of Public Works to correct the situation at the owner's expense. (Prior Code, § 30.03)

§ 51.04 APPLICATION.

No person shall make any type of connection to the city water system, power system or heating system except upon making application therefor on a form provided by the city and receiving a permit issued by the city for such purpose. The application shall include an exact description of the property to be served, the uses for which the connection is requested and the size of service lines requested or to be used. The application shall be accompanied by a fee determined by resolution of the City Council for each service applied for. All connections shall be made under the supervision of the Director of Public Works or the City Engineer. (Prior Code, § 30.04)

§ 51.05 EXPENSES OF CONNECTION.

The City Council may from time to time by resolution establish which phases of the connection to the city services for water, power or heat the landowner or the city is responsible for. The City Council may further determine whether the city or the landowner shall provide meters to read the amount of water, electricity or steam consumed on the premises. (Prior Code, § 30.05)

§ 51.06 RATES.

The City Council may from time to time, by resolution, determine the rates to be charged the consumers of water, power and steam heat. These rates shall be set forth in a rate schedule, a copy of which shall be kept in the office of the City Administrator and which shall be open to examination by the public during reasonable business hours. (Prior Code, § 30.06)

§ 51.07 POWERS.

The Director of Public Works shall have the right to enter upon the premises for any purpose to carry out the intents of this section, and if he or she should find that any water line or drain connected with any main public water lines, sewer or ditch lines should become obstructive or broken if not fit for the purposes of drainage, then he or she shall notify such property owner and if the owner fails or neglects or refuses to make the proper repairs, then the Council may order the Director of Public Works to correct such situation and the Council shall assess the expenses thereof against the property owners.

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(Prior Code, § 30.07)

§ 51.08 LIABILITY.

The owner, agent, occupant or other person having charge of the premises shall be liable for all costs and expenses in connecting from the main line to the property line, and the city shall limit its liability for the repair or maintenance of any city owned public utility to that part of said utility located within the right-of-way or any highway, street, alley or other public land.

(Prior Code, § 30.08)

DISCHARGE OF SURFACE WATERS

§ 51.20 SUMP PUMP REQUIRED.

(A) *Sump pump systems required.* Sump pump systems shall be recommended in present and required in new residential, commercial and industrial buildings, except in situations of an on grade construction.

(B) *Storm water discharge prohibited.* It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any storm water, ground water, roof run-off, pond overflow, well water or water from residential, industrial, or commercial air conditioning systems to drain into the sanitary sewer system of the City. No rainspout, or other form of surface drainage and no foundation drainage or sump pump shall be connected or any substance other than sanitary sewage discharged into any sanitary sewer except as provided herein. It is unlawful for any person or residence to discharge any water from roof, surface, perimeter drain tile, footing tiles, swimming pools, hot tubs or other natural precipitation into the sanitary sewer or adjoining properties.

(C) *Sump pump discharge.* Dwellings, buildings and structures may use a permanently installed sump pump and discharge line to the outside to prevent the inflow infiltration of clear water into the sanitary sewer, except as provide herein. A permanent installation shall provide for year round discharge capability to the outside of the building, connected to a storm sewer, or discharges through the curb to the street. When required, the discharge line from the sump pump shall be of rigid construction without valving or quick connection for altering the path of the discharge.

(D) *Seasonal Waivers.* The Director of Public Works shall have the power and duty of hearing and deciding requests for seasonal waivers from the applicability of the provisions of this Ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. Application for waivers shall be addressed in writing to the Director of Public Works, City of Mountain Iron. The application should identify the property for which the waiver is being applied, the name of the property owner/applicant and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Director of Public Works shall make a decision on the matter and serve a copy of such order to the applicant by mail. Upon approval of an application for a waiver, the property owner shall be allowed to temporarily pump into the

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sanitary sewer system between the dates of November 1 through April 1 provided the applicant agrees to pay a \$25.00 per month surcharge. The holder of a waiver shall request an authorized City Employee to certify that prior to April 15th of each subsequent year their discharge water connection has been removed from the sanitary sewer. Failure to provide such certification will place the waiver holder in violation of this ordinance.

(E) *Variance.* Any application for a variance will be addressed in writing to the Director of Public Works. The application shall identify the property for which the variance is being applied, the name of the property owner/applicant and describe in detail what characteristics of the subject property create a problem. The Director of Public Works will discuss and suggest a solution to the problem with the owner/applicant. If the owner/applicant is not satisfied, the application along with the Directors of Public Works advice will be forwarded for review to the Utility Advisory Board. The Utility Advisory Board will recommend if a variance for non-compliance should be granted and the amount of sewer surcharge that will apply. Then, the application for the variance, along with the Utility Advisory Board's recommendation will be forwarded to the City Council for a final decision.

(F) *Drain tile system.* A drain tile, sump basket, pump, electrical receptacle and pipe connection to the outside shall be recommended for any existing present residential buildings and required for new residential buildings within the City. The Building Official may determine the need for such installation when slab on grade construction occurs. The system shall be installed as follows:

(1) The building shall have a drain tile placed around the perimeter of the foundation connected to a sump pit. The sump pit shall be located at least ten (10) feet away from any inside floor drain on all new construction.

(2) When required a discharge pipe shall be installed to the outside wall of the building with recommended rigid pipe (plastic, copper, galvanized or black pipe).

(3) When required the sump pump electrical supply shall be installed according to the National Electrical Code.

(4) When the construction consists of hollow masonry units, weep hoses shall be inserted into every core of each block of the first course and placed into the gravel filled trench in such a manner to protect the hoses from blockage when the concrete floor is poured.

(G) *Alternate system.* The provision of this section is not intended to prevent the use of any material or method of construction not specifically prescribed by this Section, provided any alternate has been approved and its use authorized by the Building Official. The building official may approve any such alternate, provided that the proposed design is satisfactory and complies with the provisions of this Section and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Section. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims

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that may be made regarding its use. The details of any action granting approval of an alternate method shall be recorded and entered in the files of the Department of the Building Official.

(H) *Existing installations.* When a drain tile system is to be installed in an existing structure that had no system of surface water drainage when first constructed, the system shall be installed the same as for new construction.
(Ord. 01-03, passed 4-7-2003)

§ 51.21 DISCHARGE OF SURFACE WATERS PROHIBITED.

(A) No person shall discharge or cause to be discharged any storm water, groundwater, roof run-off, yard drainage, yard fountain, pond overflow or any substance other than sanitary sewage into the sanitary collection system.

(B) Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or any surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to December 31, 2004. Any disconnects or openings in the sanitary sewer shall be sealed or repaired in an effective, workman-like manner.

(C) All required sump pumps shall have a discharge system installed to the outside wall of the building. The pipe attachment may be a permanent fitting such as PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall.

(D) Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the City of Mountain Iron employee(s) to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Section shall make the necessary changes to comply with this Section and such changes shall be verified by City of Mountain Iron employee(s).

(E) A surcharge of \$25.00 dollars per month is hereby imposed and shall be added to every sewer billing mailed on and after December 31, 2004, to property owners who are not in compliance with this Section. The surcharge shall be added every month, until the property is in compliance. The imposition of such surcharge shall in no way limit the right of the City of Mountain Iron to seek an injunction in District Court ordering the property owner to discontinue the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

(F) Upon verified compliance with this Section, the City reserves the right to inspect such property at least yearly to verify compliance herewith.
(Ord. 01-03, passed 4-7-2003)

HYDRANDTS
Ordinance Number 01-18, Adopted Feb 5, 2018

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51.30 FIRE HYDRANTS.

All publicly owned hydrants shall remain visible and accessible from the roadway for maintenance and emergency use. All sides, including top, shall have a minimum three foot clear zone. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the Public Works Director as follows:

(A) Permit: Permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for such additional 30 day periods as the Public Works Director shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(B) Deposit: The user shall make an advance cash deposit set by City Council resolution to guarantee payment for water used and to cover breakage and damage to hydrant, which shall be refunded upon expiration of the permit, less applicable charges for use.

(C) Rental Charge: The user shall pay a rental charge set by City Council resolution.

(D) Hydrant Rentals: There shall be a rental fee for fire hydrants, set by City Council resolution, payable by each owner (including the City) upon whose property such hydrant is situated.

(E) Temporary Connection to Fire Hydrants: An owner of a private water system may make a temporary aboveground connection to a fire hydrant, subject to the time periods, conditions and payment as specified in subsection C of this Section. In addition, the method of connection to the private system shall conform to all existing requirements of the City Code and the type of meter used shall meet the approval of the Public Works Director.

51.32 PRIVATELY OWNED HYDRANTS.

(A) Section 508 of the Minnesota State Fire Code requires inspection, testing and maintenance of fire protection water supplies which include water lines and fire hydrant systems. Fire hydrant systems shall be subject to periodic tests, maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. Section 101 of the Minnesota State Fire Code authorizes the city to adopt rules to implement the fire code. The City considers the private hydrants part of the municipal waterworks system. It is in the public interest that private hydrants be inspected and tested by qualified personnel and repaired and maintained in good working order to protect life and property.

(B) Fire Protection Inspections shall be conducted annually on all private hydrants directly or indirectly connected to the municipal water system. This inspection shall include testing of the operation and flow of the hydrants. The owner of the hydrant may use a City

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approved plumber that is licensed in the state of Minnesota to perform the inspection or elect to have the City perform the inspection for a fee.

(C) If the property owner elects to have the City complete the inspection a hydrant inspection fee shall be charged for each hydrant inspected by the City or City's agent and the fee shall be billed once annually to the owner of the private hydrant as part of the water bill. The city council must establish the rates to be charged for a hydrant inspection to the customer annually within the fee schedule.

(D) In the event the inspection indicates that repairs are required, the city shall notify the owner of the hydrant or water line, with a copy to the fire department, setting forth the repairs required. If repairs are not made within the time period set forth by the Public Works Department in the notification, the necessary repairs shall be made by the city and the cost billed to the owner.

(E) The property owner may sign a waiver and petition the city for the repairs. The city will contract for the repairs and assess the property in accordance with the city's assessment policy.

(F) If the property owner elects to hire their own City approved inspection company that is licensed in the state of Minnesota, they will be required to submit a completed City provided annual inspection form to the Public Works Department.

(G) Action to Collect Charges: Any amount due for the above charges in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who requested the inspection services, whether it was the owner, tenant or other person. All applications for inspection services shall contain an explanation in clear language that unpaid bills will be collected in real estate taxes in the following year. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges.

51.34 ENFORCEMENT AND PENALTY.

Penalties shall be accordance with Section 10.99 of the Mountain Iron City Code.

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CHAPTER 52: SEWER SERVICE

Section

Sewage Department

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SEWAGE DEPARTMENT

§ 52.01 DEPARTMENT ESTABLISHED.

There is established a City Sewage Department. The sewer systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this chapter subject to the authority of the City Council at any time to amend, alter, change or appeal the same.

(Prior Code, § 31.01)

§ 52.02 CONSENT TO REGULATIONS.

(A) The City Council shall have control of all utilities that have been accepted by the city, and all work done on the utility or to be done within the right-of-way of any street,

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highway, alley or other public lands to the end that a proper and sufficient system may be maintained.

(Prior Code, § 31.02)

(B) Every person applying for sewage service from the Sewage Department, and every owner of property for which such application has been made, shall be deemed by such application to consent to all the rules, regulations and rates contained in the resolutions or ordinances of the city and to all new rules, regulations or rates duly adopted. All plumbing and service devices maintained by the consumer shall at all reasonable times be subject to inspection by duly authorized representatives of the city. The owner shall be notified of any repairs found to be necessary by such representatives and if the owner fails or neglects or refuses to meet said proper repairs then the Council may order the Superintendent of the Sewage Department to correct such situations at the owner's expense.

(Prior Code, § 31.03)

§ 52.03 LIABILITY.

(A) The owner, agent, occupant or other person having charge of the premises shall be liable for all costs and expenses in connecting from the main sewage line to the property line and that the city shall not be liable for the installation, repair or maintenance of any sewage piping or facility from the main line to the building or buildings which are using this service.

(Prior Code, § 31.04)

(B) The owner, agent, occupant or other person having charge of the premises shall be liable for all costs and expenses in connecting from the main line to the property line, and the city shall limit its liability for the repair or maintenance of any city owned public utility to that part of the utility located within the right-of-way of any highway, street, alley or other public land.

(Prior Code, § 31.10)

§ 52.04 RATES.

The rates, if any, for use of the city sewage system shall be determined by the City Council, by Resolution, and shall be exhibited in a rate schedule which should be kept in a rate book in the office of the City Administrator and shall be available for public inspection during reasonable business hours.

(Prior Code, § 31.05)

§ 52.05 APPLICATION FOR CONNECTION.

No person shall make any type connection to the sanitary sewer system or the storm sewer system except upon making an application therefore on a form provided by the city and receiving a permit issued by the city for such purpose. The application shall include an exact description of the property to be served, the uses for which the connection is requested and the size of the lines requested to be used. There shall be a permit fee in an amount determined by

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resolution of the City Council, which shall accompany any application. All connections shall be made under the supervision of the Superintendent of Public Works or the City Engineer.
(Prior Code, § 31.06)

§ 52.06 INSPECTION.

After such connection to the sanitary sewer system or the storm sewer system has been made, the Sewage Department shall be notified. It shall be unlawful to cover any connection line until an inspection has been made and such connection in the work incident thereto has been approved by the city as a proper and suitable connection.
(Prior Code, § 31.07)

§ 52.07 DRAINAGE OF WATER INTO SEWER SYSTEM PROHIBITED.

It shall be unlawful for any owner, occupant or user to any premises to direct into or allow any storage water or surface water to drain into the sanitary sewer system of the city.
(Prior Code, § 31.08) Penalty, see § 52.99

§ 52.08 SUPERINTENDENT OF PUBLIC WORKS.

The Superintendent of Public Works shall have the right to enter upon the premises for any purpose to carry out the intents of this chapter, and if he or she should find that any waterline, sewer or drain connected with any main public waterlines, sewer or ditch lines should become obstructive or broken or not fit for the purposes of drainage, then he or she shall notify such property owner and if the said owner fails or neglects or refuses to make the proper repairs, then the Council may order the Superintendent of Public Works to correct such situation and the Council shall assess the expenses thereof against the property owners.
(Prior Code, § 31.09)

SEWER USE

§ 52.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. The City of Mountain Iron, Minnesota.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

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BUILDING DRAIN, SANITARY. A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM. A building drain which conveys storm water or other clear water drainage but no wastewater.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal (also called house connection).

BUILDING SEWER, SANITARY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic amount as defined in standards issued under Section 307 (a building sewer which conveys sanitary or industrial sewage only).

BUILDING SEWER, STORM. A building sewer which conveys stormwater or other clear water drainage but no sanitary or industrial sewage.

CLASSES OF USERS. The division of wastewater treatment customers by waste characteristics and process or discharge similarities.

(1) **RESIDENTIAL.** All dwelling units such as detached, semi-detached and row houses, mobile homes, garden and standard apartments and permanent multi-family dwellings. (Transient lodging, considered commercial in nature, is not included.)

(2) **COMMERCIAL.** Transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption and/or rendering services to others.

(3) **INSTITUTIONAL.** Social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

(4) **GOVERNMENTAL.** Includes legislative, judicial, administrative and regulatory activities of federal, state and local governments, such as courthouses, police and fire stations, city halls and similar users.

(5) **INDUSTRIAL.** Manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power driven machines and material handling equipment.

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COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

DEPRECIATION. An annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of treatment works.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Authority.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL COST RECOVERY. Recovery from the industrial users of a treatment works of the grant amount allocable to treatment of waste from such users pursuant to Section 204 (b) of Pub. L. 92-500 and 40 CFR 35. 928(1) and (2).

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

INFILTRATION/INFLOW. Total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains,

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foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include and is distinguished from infiltration.)

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of greater than 50,000 gallons per day;
- (2) Has a flow which is greater than 5% of the flow carried by the municipal system receiving the waste; or
- (3) Is designated as an industrial user by the municipality or the Minnesota Pollution Control Agency on the basis that the industry discharge has a reasonable potential to adversely impact the wastewater treatment facility or the quality of its effluent or residuals.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC SEWAGE. As defined for the purposes of determining surcharge, shall mean wastewater or sewage having an average daily suspended solids concentration of not more than 250 mg/l, an average daily phosphorous concentration of 11 mg/l and containing not more than 2.5 mg/l of Hexane soluble matter (grease and oil).

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewater to the navigable waters of the United States pursuant to Section 402 of Pub. L. 92-500.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, conform to all related federal, state and local requirements and assure optimal long-term facility management. (These costs include depreciation and replacement.)

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to the Waste Water Treatment Facility.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater the 3/8 inch in any dimension.

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PRIVATE SEWER. A sewer that is not owned by a public authority.

PUBLIC AUTHORITY. Any governmental agency having jurisdiction by law over construction and use of a wastewater collection or treatment facility.

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following types.

(1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewater from individual point source discharges.

(2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure or forced flow.

(4) **PUMPING STATION.** A station positioned in the public sewer service at which wastewater is pumped to a higher level.

(5) **STORM SEWER.** Separate from the **SANITARY SEWER**, it is used to convey clearwater flow to an appropriate discharge point.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes and to which storm, surface and ground water are not intentionally admitted.

SEWAGE. The combination of the liquid and water carried wastes for residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

(1) **SANITARY SEWAGE.** The combination of liquid and water-carried waste discharge from toilet and other sanitary plumbing facilities;

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes, discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water.)

SHALL. Mandatory; **MAY** is permissive.

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SIGNIFICANT INDUSTRY. Any industry that will contribute greater than 10% of the design flow or design pollutant loading of the treatment works.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hours concentration of flows during normal operations.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM SEWER. A sewer for conveying water, groundwater or unpolluted water from any source and to which sanitary and/or industrial waste are not intentionally admitted.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations and defined in standards issued pursuant to Section 207(a) of Pub. L. 92-500.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER CHARGE. A charge levied on users of a wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Pub. L. 92-500.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 550°C for 15 to 20 minutes.

WASTEWATER TREATMENT WORKS. The structures, equipment and processes required to collect, transport and treat domestic industrial wastes and dispose of the effluent and accumulated residual solids.

WATER WORKS. All facilities for water supply, filtration plant, storage reservoir, water lines and services and booster stations for obtaining, treating and distributing potable water.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Prior Code, § 37.01)

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§ 52.21 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the NPDES.

(C) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the city is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of an official notice to do so, provided that the public sewer is within ten feet of the property.

(Prior Code, § 37.02) Penalty, see § 52.99

§ 52.22 REGULATION OF INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Private sewage collection and disposal systems shall not be permitted within those areas of the City served by the City sanitary sewer system. Individual or collective sewage systems may be permitted in those areas not served by the sanitary sewer system when a permit for such system has been approved by the St. Louis County Health Department. (Prior Code, § 37.03) (Am. Ord. 08-02, passed 11-4-2002, Am. Ord. 05-09, passed June 15, 2009, Am. Ord. 03-10, passed May 3, 2010)

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§ 52.23 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permit from the city or its authorized representative.

(B) All disposals by any person into the sewer system are unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.

(C) There shall be two classes building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City Council. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including series, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(E) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(F) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear building through an adjoining alley, court, yard or driveway, the building may be extended to the rear building and the whole considered as one building sewer.

(G) Old buildings sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this chapter.

(H) 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 rules and regulations of the City Council. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control

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Federation Manual of Practice No.9 and the City Engineer’s Specifications for Water and Sewer Main Construction in Minnesota shall apply.

(I) 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, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with § 52.20 and discharged to the building sewer.

(J) No person(s) shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or ground water to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(K) The connection of the building sewer into the public sewer shall conform to the requirements and applicable rules and regulations of the City Council or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9 and City Engineer’s Specifications for Water and Sewer Main Construction in Minnesota. All such connections shall be made gastight and watertight.

(L) All excavating 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 distributed in the course of the work shall be restored in a manner satisfactory to the city.

(Prior Code, § 37.04)

§ 52.24 DISCHARGE REGULATIONS.

(A) No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged on approval of the city to a storm sewer or natural outlet.

(C) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Liquids, or gases in sufficient quantity, either singly or by interaction with other waste, to injure or interfere with any sewage treatment process, constitute a hazard to

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humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(D) No industrial user may discharge sewage into any public sewer until the city has adopted an industrial cost recovery system which:

(1) Meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (citation) and applicable federal regulations;

(2) Has been approved by the Agency in accordance with the conditions of any grant made to the city by the United States Environmental Protection Agency;

(3) For the construction or any part of the sewer system or treatment works of the city.

(E) No person shall discharge or cause to be discharged the following substances, materials, waters or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming the opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction to such factors as the quantities of subject wastes in relation to flow and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (0° and 65°C);

(2) Any waters or wastes containing toxic or poisonous materials or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° and 65°C);

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(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city;

(4) Any waters or wastes containing strong acid, iron pickling waste or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the city EPA 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;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state and federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg any time except as permitted by the city in compliance with applicable state and federal regulations;

(10) Materials which exert or cause:

(a) Unusual concentrations of inert 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);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(d) Unusual volume of flow to concentrations of wastes constituting “slugs” as defined herein;

(11) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

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(F) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in § 52.20 and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 128, Thursday, November 8, 1973 and any amendments thereto and which in the judgment of the city may have deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the waste;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.20.

(2) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

(G) Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

(H) Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(I) Each industry shall be required to install a control manhole and, when required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with the plans approved by the city. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(J) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be stipulated by the city, but no less than

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once per year the industry 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 owner shall report the results at such times and in such manner as prescribed by the city. The owner shall 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 measurements and samples for analysis by an outside laboratory service.

(K) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property, the particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(L) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, in accordance with federal and state guidelines for user charge system and industrial cost recovery system.

(M) Each residential household, commercial complex, commercial business or industry shall pay to the city the established amount set forth by the EPA user charge system or industrial cost recovery for the proper operation of the sewage treatment plant. Any building which is privately owned, whether occupied or not, shall be subject to this payment. Any established multi dwelling shall make payment in the amount established by the user charge system. The payment shall be made unless the water service is discontinued and the service valve closed.

(Prior Code, § 37.05)

§ 52.25 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Prior Code, § 37.06) Penalty, see § 52.99

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§ 52.26 WASTEWATER BACKUPS.

All building drains which have back-up problems shall have a back water valve installed at the owner's expense, and it shall be the owner's responsibility to see that the back water valve is kept clean and workable. The city will assume no liability for any damages resulting from back up.

(Prior Code, § 37.08)

§ 52.27 WASTEWATER SERVICE CHARGES AND INDUSTRIAL WASTE COST RECOVERY.

(A) Wastewater service charges:

(1) The wastewater service charge for the use of and for the service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

(2) The debt service charge shall be computed by dividing the annual debt service of all outstanding loans by the number of users. Through further divisions, the monthly debt service charges can be computed.

(3) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(a) A five day, 20°C biochemical oxygen demand (BOD) of 200 mg/l;

(b) A suspended solids (SS) content of 250 mg/l.

(4) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

(a) Estimate the projected annual revenue required for operating and maintaining the wastewater facilities, including a replacement fund for the year, for all works categories;

(b) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible;

(c) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;

(d) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD;

(e) Compute costs per 1,000 gallons for normal sewage strength;

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(f) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

(B) A surcharge will be levied to all users whose waters exceed the normal concentration for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l concentration for BOD and SS respectively. This chapter specifies the procedure to compute a surcharge.

(C) The adequacy of the wastewater service charge shall be reviewed annually by the City Administrator for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs.

(D) The volume of flow used for computing basic user charges and surcharges shall be based on the following schedule which is based on a normal single family residence having a unit factor of 1.0:

| | | |
|------|---|-----------------------------|
| (1) | Barbershops: | 0.20 per chair; |
| (2) | Bars: | 0.044 per seat; |
| (3) | Beauty shops: | 0.20 per booth; |
| (4) | Churches: | 0.008 per seat; |
| (5) | Cleaners (pick up only): | 0.048 per employee; |
| (6) | Clinics (min. assignment 1.00 unit per profession): | 0.50 per doctor; |
| (7) | Convalescent homes: | 0.22 per bed; |
| (8) | Drug stores (with fountain service): | 0.10 per seat; |
| (9) | Factories (exclusive of industrial wastes): | 0.313 per person per shift; |
| (10) | Grocery stores and supermarkets: | 0.48 per employee; |
| (11) | Laundry: | 1.0 per washer; |
| (12) | Multiple family residence: | 1.0 per dwelling unit; |
| (13) | Restaurants (dinner and/or drinks); | 0.10 per seat; |
| (14) | Rooming houses (no meals): | 0.119 per person; |

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| | | |
|------|--|-------------------------|
| (15) | Schools; | 0.10 per student; |
| (16) | Service stations: | 0.20 per pump; |
| (17) | Single family dwelling units having less than 400 sq. ft. of floor space (notwithstanding other provisions of this section): | 0.56 per dwelling unit; |
| (18) | Snack bars, drive-ins, and the like: | 0.08 per seat or shift; |
| (19) | Stores (other than specifically listed): | 0.15 per employee; |
| (20) | Tourist courts (individual bath units): | 0.27 per cubical; |
| (21) | Trailer parks (self-contained unit): | 1.0 per trailer; |
| (22) | Trailers (individual): | 1.0 per trailer; |
| (23) | Car wash (service stations, and the like): | 0.54 per stall. |

(E) A user that discharges other than sanitary or domestic wastewater shall meter all water that is discharged to the sanitary sewers. Any customer connected to the system that discharges or may be expected to discharge more than 18,000 gallons of wastewater per quarter may be required by the city to have installed at his or her expense an approved meter to register accurately all water flowing to the sanitary sewage system.

(F) A debt service charge per month, as shall be set from time to time by resolution of the City Council, to each user of the wastewater facility of the city is established.

(G) There shall be and there is established a basic use rate for the use of and for service supplied by the wastewater facilities of the city. This basic user rate for use shall be as set from time to time by resolution of the City Council. The charge per month for users without water meters and who are those users other than normal single family residences shall be as set from time to time by resolution of the City Council. The charge per month for users with water meters and who are users other than normal single family residences shall be as set from time to time by resolution of the City Council.

(H) The rates of surcharge for BOD₅ and SS are as follows:

$$CS + (Bc (b) + Sc (S)) Vu$$

(I) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the city and shall be binding as a basis for surcharges.

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(J) The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (V_u - X) CU + CS$$

Where:

| | | |
|----------------|---|--|
| CW | = | Amount of wastewater service charge (\$) per billing period. |
| CM | = | Minimum charge for operation, maintenance and replacement |
| CD | = | Debt service charge |
| V _u | = | Wastewater volume for the billing period. |
| X | = | Allowable consumption in gallons for the minimum charge |
| C _u | = | Basic user rate for operation, maintenance and replacement |
| CS | = | Amount of surcharge |
| B _c | = | \$021/BOD ₅ |
| S _c | = | \$0.17 # suspended solids |
| B | = | BOD ₅ - 200 mg/l |
| S | = | SS = 250 mg/l |

(Prior Code, § 37.09)

§ 52.28 GENERAL COST RECOVERY.

When an industrial user, as defined in 40 CFR 35.905-8, requests connection to the public sewer collection and disposal system and industrial cost recovery system, as industrial must be developed in accordance with 40 CFR 35.928.

(Prior Code, § 37.10)

§ 52.29 BILLING.

(A) *Bills.* Charges for sanitary sewer service as specified in § 52.21 shall be billed monthly to the owner or occupant of the premises on the tenth day of each month for sanitary sewer service for the preceding month. Bills shall be paid at the Mountain Iron City Hall on or before the first day of the month following the billing date. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the city.

(B) *Delinquent bills.* When any charges for sanitary sewer service remain unpaid after the due date, a penalty of 10% shall be added to the delinquent amount for each month that the unpaid balance remains.

(C) *Lien; notice of delinquency.* Whenever a bill for sewer service remains unpaid for 45 days after it has been rendered, the City Administrator shall file with the County Recorder a statement of lien claim. This statement shall contain the legal description of the premises served

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the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the City Administrator has notice of this, notice shall be mailed to the owner of premises if his or her address be known to the City Administrator, whenever such bill remains unpaid for the period of 45 days after it has been rendered. The failure of the City Administrator to record such lien or to mail such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(D) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens, such foreclosure shall be by bill-in-equity in the name of the city. The City Attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days after it has been rendered.

(E) *Revenues.* All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and moneys shall be held by the City Administrator separate and apart from their private funds and separate and apart from all of the funds of the city. The City Administrator shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to them and deposit the same in the amount of the fund designated as the “Sewage Fund of the City.” The Administrator shall administer such Fund in every respect in the manner provided by statute.

(F) *Accounts.* The City Administrator shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year;
- (2) Billing data showing total number of gallons billed;
- (3) Debt service for the next succeeding fiscal year;
- (4) Number of users connected to the system;
- (5) Number of non-metered users;

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(6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

(G) *Notice of rates.* A copy of this section properly certified by the City Administrator shall be filed in the office of Register of Deeds, St. Louis County and shall be deemed notice to all owners to real estate of the charges of the sewerage system of the city on their properties.

(H) *Penalty.* Any person, firm or corporation violating any provision of this section shall be fined not less than \$100 nor more than \$500 for each offense.

(I) *Access to records.* The U.S. Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transactions thereof to insure compliance with the terms of the special and general conditions to the federal grant.

(J) *Effective date and rates.* The rates and service charges established for user charges in this chapter shall be effective as of October 1, 1980 and on bills to be rendered for the next succeeding quarter.

(K) *Powers and authority of enforcing agents.* The Approving Authority shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of the service contract and shall be summarily disconnected from the sanitary sewer and/or water service. Such disconnection and reconnection would be at the total expense of the customer. Where acid and chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the Approving Authority is authorized to immediately terminate services by such measures as are necessary to protect the facilities. Any person, firm or corporation violating any of the provisions shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$300. Each day of each violation shall be deemed a separate offense. Any person violating any of the provisions of this section shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

(Prior Code, § 37.11)

§ 52.99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code.

(B) (1) Any person found to be violating any provision of §§ 52.20 *et seq.*, except § 52.24, shall be served by the city with written notice stating the nature of the violation and

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providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violations. The city may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (B)(1) of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount set forth in § 10.99. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation.
(Prior Code, § 37.07)