

SUB-ANALYSIS

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(Jun 25, 2005)

CHAPTER 3

MUNICIPAL AND PUBLIC UTILITIES RULES AND REGULATIONS, FRANCHISES AND RATES

General Provisions

SECTION 3.01. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

Subd. 1. The term "utility" shall refer to all utility services, whether the same be public municipally-owned facilities or furnished by private utility companies, except those the regulation of which has been placed under the exclusive authority of the State or Federal government, including, but not by way of limitation, electric, sewerage, water, steam heat, gas, and refuse collection.

Subd. 2. The term "municipal utility" shall refer to any municipally-owned utility system, including such utilities as are under the jurisdiction of the Public Utilities Commission.

Subd. 3. The terms "company", "grantee" and "franchisee" shall refer to any private utility system to which a franchise has been granted by the City.

Subd. 4. The terms "consumer" and "customer" shall refer to any user of a utility.

Subd. 5. The term "service" shall refer to providing a particular utility to a customer or consumer.

Subd. 6. The term "Public Utilities Commission" shall refer to the Public Utilities Commission of the City.

Subd. 7. The term "refuse" means all organic waste, including animal offal, carcasses of dead animals, but excluding sewage and other water-carried wastes, and inorganic waste such as ashes, glass, crockery, tin cans, paper, boxes, rags, and old clothing, but excluding materials such as earth, sand, brick, stone, plaster, and other similar substances that may accumulate as the result of construction operations.

SEC. 3.02. SEWERAGE AND REFUSE RATES AND CHARGES AND COLLECTION THEREOF.

Subd. 1. Fixing Rates and Charges. All rates and charges for sewerage and refuse collection, including penalties for non-payment if any, shall be fixed by resolution of the Council and kept on file in the office of the City Clerk-Treasurer, including the effective date thereof, and open for inspection at all times. The

Council may enter into an agreement with the Public Utilities Commission for collection of such service and other charges, including penalties for non-payment.

Source: City Code
Effective Date: 9-1-75

Subd. 2. Municipal Utility Services and Charges a Lien.

A. Payment for all municipal utility (as that term is defined in City Code, Section 3.01) service and charges shall be the primary responsibility of the fee owner of the premises served and shall be billed to such owner unless otherwise contracted for and authorized in writing by the fee owner and any other person (such as a tenant, contract purchaser, manager, etc.), as agent for the fee owner, and consented to by the City of Hibbing, Minnesota. If the utility service and charges are for a single metered multi-unit rental residential building, the owner of said building shall be the customer of record and this responsibility shall not be waived by contract or otherwise. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

Source: Ordinance No. 230, 2nd Series
Effective Date: 2-28-97

B. Each such charge is hereby made a lien upon the premises served. All such charges which are on September 30th of each year more than thirty (30) days past due, shall be certified by the City Clerk-Treasurer of the City of Hibbing, Minnesota, to the County Auditor between the 1st and 10th day of October of each year, and the City Clerk-Treasurer in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Source: Ordinance No. 97, 2nd Series
Effective Date: 10-30-82

SEC. 3.03. UNLAWFUL ACTS.

Subd. 1. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

Subd. 2. It is unlawful for any person to make any connection with any municipal utility system without first having applied for and received permission from the City or the Public Utilities Commission to make the same.

Subd. 3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the Public Utilities Commission for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the Public Utilities Commission.

SEC. 3.04. DAMAGE TO A MUNICIPAL UTILITY PLANT, FIXTURE, EQUIPMENT OR APPURTENANCE. Anyone causing damage to any municipal utility plant, fixture, equipment or appurtenance, including but not limited to meters, street lights, water hydrants and curb cocks shall pay the reasonable value thereof, including labor for renewal and installation of any equipment including excavation, if necessary, and shall, in effect, be an insurer of any equipment in his/her possession or with which he/she comes in contact.

Source: City Code
Effective Date: 9-1-75

SEC. 3.05. CONNECTION REQUIRED. All premises in the Urban Service District which are situated within a distance of 165 feet of any main or branch of the City water or sewerage system, shall be connected thereto. Whenever a main or branch of the City's water and sewerage system is extended so that both services are within a distance of 165 feet of premises served by private water and sewerage service, connection to the City facilities shall be made forthwith.

Source: Ordinance No. 115, 2nd Series
Effective Date: 7-31-84

(Sections 3.06 through 3.19, inclusive, reserved for future expansion.)

(Pages 93 through 97 reserved)

SEC. 3.20. RULES AND REGULATIONS - SEWERAGE SYSTEM. (Repealed by Ordinance No. 135, 2nd Series, adopted June 5, 1985.)

CODIFIER'S NOTE: Ordinance No. 122, 2nd Series, adopted October 1, 1984, regulates the use of public and private sewers and drains, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and Ordinance No. 123, 2nd Series, adopted October 1, 1984, regulates the discharge of waters and wastes into the public waste disposal system and requirements of pretreatment, and are listed in Chapter 20 of the City Code.

(Sections 3.21 through 3.29, inclusive, reserved for future expansion.)

(Pages 99 through 103 reserved)

Refuse**SEC. 3.30. RULES AND REGULATIONS - REFUSE COLLECTION.**

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Construction Debris" means waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

B. "Demolition Debris" means solid waste resulting from the demolition of buildings, roads and other structures including concrete, brick bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. Demolition Debris does not include asbestos wastes.

C. "Hazardous Waste" means any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form which because of its quantity, concentration or chemical, physical or infectious characteristics may:

1. cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

2. pose a substantial present or potential hazard to human health or the environment when improperly treated stored, transported or disposed of or otherwise managed.

Categories of Hazardous Waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Hazardous Waste shall also include all materials designated as hazardous and regulated by State or Federal laws.

D. "Industrial Waste" means all solid waste generated from an industrial manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, municipal solid waste combustor ash or household refuse.

E. "Infectious Waste" means waste originating from the diagnosis, care or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless the materials have been rendered noninfectious by procedures approved by the State Commissioner of Health, infectious waste includes:

1. all waste originating from persons or animals placed in isolation for control and treatment of an infectious disease;

2. bandages, dressings, casts, catheters, tubing and similar disposable items which have been in contact with wounds, burns, anatomical tracts or surgical incisions and which are suspect of being or have been medically verified as infectious;

3. all infectious anatomical waste including human and animal parts or tissues;

4. infectious sharps and needles;

5. laboratory and pathology waste of an infectious nature; or

6. any other waste as defined by the State Commissioner of Health which, because of its infectious nature, requires handling and disposal in a manner prescribed for items 1 to 5 above.

F. "Major Appliance" means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators and freezers.

G. "Mixed Municipal Solid Waste" means:

1. garbage, refuse, rubbish and other solid waste from residential, commercial, industrial and community activities that the generator of the waste aggregates for collection except as provided in 2. below.

2. Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed and disposed of as separate waste streams but does include source-separated compostable materials.

H. "Recyclable Materials" means materials that are separated from Mixed Municipal Solid Waste for the purpose of recycling including, but not limited to, paper, glass, plastics, metals, automobile oil and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

I. "Refuse" means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, commercial and industrial wastes and municipal treatment wastes which do not contain free moisture.

J. "Sewage Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air contaminant treatment facility or any waste having similar characteristics and effects.

K. "Solid Waste" means garbage, refuse, rubbish, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludges in solid, semisolid, liquid or contained gaseous form resulting from industrial, commercial, mining and agricultural operations and from community activities not including hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows, or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended. (Minn. Stat. §116.06)

Subd. 2. Deposit of Garbage Restricted. It is unlawful for any person:

A. To deposit or cause to be deposited any Mixed Municipal Solid Waste or Recyclable Materials upon any street, alley, vacant lot or upon any ground appurtenant to any building except in the manner provided by this Section.

B. Except a duly authorized City collector, to transport Mixed Municipal Solid Waste over any street or alley except the transport of Mixed Municipal Solid Waste deposited in compactor rolloff containers or to disturb, collect or in any manner interfere with Mixed Municipal Solid Waste placed in containers for collection or interfere in any manner with containers for Mixed Municipal Solid Waste.

C. Repealed 4-21-2010, Ordinance No. 373, 2nd Series.

D. Repealed 4-21-2010, Ordinance No. 373, 2nd Series.

E. To deposit in any container any Hazardous Waste.

F. To rummage through, scavenge, remove or otherwise disturb any organic waste, garbage or items for recycling which has been placed in the containers referred to in this Subdivision, or in any recycling container supplied or furnished by the City.

G. To construct, locate or place any Mixed Municipal Solid Waste or Recyclable Materials stand in any street, alley or other public ways.

H. Living outside the City to dispose of Mixed Municipal Solid Waste or Recyclable Materials in any City dumpsters.

I. Repealed 4-21-2010, Ordinance No. 373, 2nd Series.

J. To dispose of Infectious Waste.

Subd. 3. Storage of Mixed Municipal Solid Waste or Recyclable Materials.

A. Except as otherwise provided in this Section, all Mixed Municipal Solid Waste or Recyclable Materials shall be placed and kept in containers which shall be the kind and type used for the keeping, storage and holding of Mixed Municipal Solid Waste or Recyclable Materials to prevent the Mixed Municipal Solid Waste or Recyclable Materials from being blown around or disturbed by animals.

B. All Mixed Municipal Solid Waste or Recyclable Materials shall be drained of liquid so far as practical and placed into impervious bags or containers of a kind and type that are authorized by the City, from time to time, and said bags shall be closed and sealed prior to being placed in the City-supplied containers. The City-supplied containers shall, on collection days, 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. The City does not supply compactor rolloff containers; businesses choosing to use compactor rolloff containers shall supply their own containers which shall meet the standards of City-supplied containers.

C. Any container provided by the City to any person which becomes damaged so as to not be fit for keeping, storage and holding of Mixed Municipal Solid Waste or Recyclable Materials shall be replaced at such person's expense, ordinary wear and tear expected.

D. Yard Waste which does not consist of Mixed Municipal Solid Waste or Recyclable Materials shall be compacted and bundled, but the size of such bundles shall not exceed three feet (3') in length and fifty (50) pounds in weight, and shall only be placed alongside the City container at such times as the City may designate, pursuant to notice for collection thereof.

E. Major appliances and chairs and couches may be disposed of through the City collection system by purchasing a coupon for such disposal at the City Clerk's office.

Subd. 4. Collection of Mixed Municipal Solid Waste.

A. The City shall collect or provide for the collection of all Mixed Municipal Solid Waste from all commercial and residential properties except those choosing to use compactor rolloff containers at intervals as determined by the Sanitation Department.

B. Storage of Refuse. Mixed Municipal Solid Waste containers shall be placed in any easily accessible location on the day of the garbage pickup as determined by the Sanitation Department.

C. Recyclable Materials shall be transported on the street or alleys only in vehicles with leak-proof bodies of easily cleanable construction and completely covered. Vehicles shall be so operated that contents do not spill or drip upon streets or alleys or otherwise create a nuisance.

D. It is unlawful for any person to collect or dispose of Mixed Municipal Solid Waste except through the municipal collection service or by providing compactor rolloff containers, except that the owner or occupants of commercial property may haul and dispose of their own garbage and other refuse upon payment of a fee to be established by the Council. Such hauling shall be done only by the owner or occupant, or a full-time employee of the owner or occupant.

Subd. 5. Disposal of Refuse. The Sanitation Department shall provide for the disposal of garbage and for a place to dispose of other refuse 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.

Subd. 6. Service Charges.

A. There is hereby imposed upon each household and business or other establishment from which Mixed Municipal Solid Waste is collected by the City, except those providing compactor rolloff containers, a monthly charge for such service in accordance with the schedule established from time to time by resolution of the Council.

B. When any charges remain unpaid after the due date, a penalty of 10% shall be added thereto. Receipts from service charges shall be credited to the Garbage and Refuse Collection Fund when received, from which fund expenses for the collection, transportation and disposal of garbage shall be paid.

Subd. 7. Penalty. Every person violates a subdivision, paragraph or provision of this Section when performing an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a petty misdemeanor. A person is guilty of a misdemeanor who violates any subdivision, paragraph or provision of this Section within five years of the first two or more prior convictions.

Source: Ordinance No. 373, 2nd Series
Effective Date: 06-01-2010

(Sections 3.31 through 3.39, inclusive, reserved for future expansion.)

(Pages 109 through 112 reserved)

Gas**SEC. 3.40. GAS REGULATIONS.**

Subd. 1. Application. This Section is applicable to any fuel used in a gaseous state for the purpose of heating, illumination, refrigeration or the generation of mechanical or electrical energy, and shall include, but not by way of limitation, natural or manufactured gas whether the same be distributed in a bottled or liquified petroleum form, except, such as may be distributed under the jurisdiction of the Public Utilities Commission of the City.

Subd. 2. Permit Required. It is unlawful for any person to install, alter, or repair any gas system, or connection therewith, without first obtaining a permit from the Public Utilities Commission, or to fail or neglect to comply with all applicable provisions of any permit issued or the provisions of the City Code. All applications for such permit shall be made to the Public Utilities Commission on forms furnished by it, and shall include detailed plans and specifications for the proposed construction, installation, alteration or repair. Provided, however, that no permit shall be required in the case of service or repairs to any gas system where the cost thereof will not exceed \$50.00, and provided further that such service or repair does not involve a change in the type of gas to be used, or in the existing combustion of temperature control equipment, and such service or repair shall not add to the capacity or BTU input of such system. All service or repair work must, however, be done in accordance with all of the provisions of the City Code regulating the same whether or not a permit is required.

Subd. 3. Applicants. All applicants for a permit for the construction, installation, alteration or repair of any gas system shall be licensed to perform such work as required by the City Code.

Subd. 4. Inspection. It is unlawful for any gas supplier to turn on or supply gas to any person where the gas system has been installed, altered or repaired until an inspection has been made by the Public Utilities Commission, and further, in all respects, to comply with the City Code. Provided, that when such inspection has been completed, the Inspector shall furnish a certificate of compliance certifying thereto.

Source: City Code
Effective Date: 9-1-75

(Sections 3.41 through 3.49, inclusive, reserved for future expansion.)

SEC. 3.50. ELECTRIC FRANCHISE. CODIFIER'S NOTE: Ordinance No. 79, 2nd Series, amended the City Code to remove the text of the electric franchise ordinance from this Chapter, and merely list it in Chapter 20 of the City Code.

(Sections 3.51 through 3.59, inclusive, reserved for future expansion.)

SEC. 3.60 STORM SEWER IMPROVEMENT DISTRICT.

Subd. 1. Purpose. The purpose of this Ordinance is to establish a City of Hibbing Storm Sewer Improvement District. The following are the objectives of this special utility:

- A. To acquire, construct, reconstruct, extend, maintain, and otherwise improve storm sewer systems and related facilities within the District.
- B. To acquire, construct, maintain and improve storm water holding areas and ponds within and without the City for the benefit of the District.

Subd. 2. Establishment of Storm Sewer Improvement District. The City hereby establishes a Storm Sewer Improvement District in the City and authorizes the imposition of just and reasonable charges for the use and availability of storm sewer facilities subject to the provisions of this Section and Minnesota Statutes. The Hibbing Storm Sewer Improvement District shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075. Within the Storm Sewer Improvement District there shall be an Urban Area and a Rural Area the boundaries of which are drawn on the City map which is attached hereto and made a part hereof.

Subd. 3. Storm Sewer Improvement District Rates.

- A. Rates and Charges. Rates and charges for the use and availability of the storm sewer system shall be established by the City Council from time to time by Resolution.
- B. Classification of Properties. All land in the City shall be classified by the City Assessor as either Residential or Non-residential.
 - 1) Residential properties shall be defined as up to four (4) residential units and includes undeveloped residential lots.
 - 2) Non-residential properties shall be defined as all properties that are not defined as residential properties.
- C. Storm Sewer Improvement District Charges. Storm Sewer Improvement District charges shall be computed as follows:

- 1) All urban residential properties shall be charged at the rate established by City Council Resolution regardless of the size of the residence.
- 2) All rural residential properties shall be charged at the rate established by City Council Resolution regardless of the size of the residence.
- 3) All urban non-residential property shall be charged the rate as established by City Council Resolution multiplied by the square feet of impervious surface on the property divided by 3000 subject to a maximum of 50 times the rate for 3000 square feet of impervious area.
- 4) All rural non-residential property shall be charged the rate as established by City Council Resolution multiplied by the square feet of impervious surface on the property divided by 3000 subject to a maximum of 50 times the rate for 3000 square feet of impervious area.

Impervious surface is defined as roofs on structures on the premises and any hard surface parking areas including gravel, blacktop and cement.

Subd. 4. Adjustment of Charges. The City Council may, by Resolution, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates classification or category substantially different from that being used for the parcel or parcels. Such adjustment shall be made only upon recommendation of the City Clerk and shall not be made effective retroactively.

Subd. 5. Exemptions. Public street rights-of-way, public parks, public works facilities and other City property are exempt from storm sewer improvement charges.

Subd. 6. Payment of Charges.

- A. **Billing.** Statements for charges for storm sewer improvement use and service for a monthly period shall be mailed to each property owner or user with other utility billings, on a schedule concurrent with other utility billings of the City of Hibbing and Hibbing Public Utilities Commission.
- B. **Delinquencies.** After the last day of the month in which payment is due, a penalty of ten percent (10%) of the unpaid account balance will be assessed and added to the amount due on the account.

Subd. 7. Establishment of Tax Lien. Any past due storm sewer improvement drainage fees in excess of ninety (90) days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to Minnesota Statutes Section 444.075, Subd. 3. In addition, the City shall have the right to bring a civil action or pursue legal remedies to collect unpaid charges.

Subd. 8. Recalculation of Charges. If a property owner or person responsible for paying the storm sewer improvement charges questions the correctness of such a charge, such person may, upon application and documentation including submission of a property survey, have the determination of the charges re-computed by written request to the City Clerk or his designee. Such request shall be made within thirty (30) days of the mailing of the billing in question."

Source: Ordinance No. 305, 2nd Series
Effective Date: 06-30-2004

(Sections 3.61 through 3.98, inclusive, reserved for future expansion.)

(Pages 117 through 119 reserved)

(Jun 25, 2005)

SEC. 3.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 9-1-75