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Sec. 16

No license shall be issued to any person until a \$500 cash bond or \$2,000.00 bond to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

Sec. 17

The license fee for making service connections is \$10.00. All licenses shall expire on December of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be \$10.00.

Sec.18

The Council may suspend or revoke any license issued under this article for any of the following causes:

- (a) Giving false information in connection with the application for a license.
- (b) Incompetence of the licensee.
- (c) Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

ARTICLE VI

USE OF PUBLIC SERVICES

Sec. 1

No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

Sec.2

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water of unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the NIPCA.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- (b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibitor disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

Sec. 4 The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above ob ectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the

sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (a) Any wastewater having a temperature greater than 150 degrees F. (65.6 Q, or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 Q, or having heat in amounts which "I inhibit biological activity in the wastewater treatment works resulting in interference therein.
- (b) Any wastewater containing fats, wax, grease, 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 degrees F and 150 degrees F (0 C and 65.6 Q; and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/ l, whether emulsified or not.
- (c) Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Article 1, Section 36).
- (d) Any garbage not properly shredded, as defined in Article I, Section 3 1. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- (g) Non-contact cooling water or unpolluted storm, drainage, or ground water.
- (h) Wastewater containing 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) in such quantities that would cause disruption with the wastewater disposal system.

- (i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the following limits for such materials:

- 0.5 mg/l arsenic
- 0.5 mg/l cadmium
- 1.5 mg/l copper
- 0.5 mg/l cyanide
- 1.5 mg/l lead
- 0.05 mg/l mercury
- 1.5 mg/l nickel
- 0.5 mg/l silver
- 0.5 mg/l total chromium
- 1.5 mg/l zinc
- phenolic compounds which cannot be removed by the City's wastewater treatment system

- (k) Any wastewater which created conditions at or near the wastewater disposal system which violated any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
- (l) Any waters or wastes containing BOD5 or **suspended solids** of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 16 of this Article.

Sec.5

If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters, and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof,

- (c) Require control over the quantities and rates of discharge, and/or,
- (d) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the City permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MIPCA.

- Sec.6 No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.
- Sec.7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).
- Sec.8 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4 (b), any flammable wastes as specified in Section 3 (a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.
- Sec.9 Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

- Sec.10 The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents with Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City 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 independent laboratory.
- Sec.11 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- Sec.12 Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

- Sec.13 No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of thirty (30) days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof
- Sec.14 Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after thirty (30) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agency the expense thereof by an action in the name of the City.
- Sec.15 The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.
- Sec.16 In addition to any penalties that may be imposed for violation of any provision of this chapter, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damage as a result of the discharge or prohibited wastes by such applicable to the type of service, and in accordance with the provisions set forth in this Ordinance.
- Sec.17 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Cleveland and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated, and the user pays Operation, Maintenance, and Replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater."

ARTICLE VII

DAMAGE OF WASTEWATER FACILITIES

Sec.1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

ARTICLE VIII

USER RATE SCHEDULE FOR CHARGES

Sec. 1 Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provision set forth in Ordinance No.4300.00, Article 11 and III

ARTICLE IX

POWERS AND AUTHORITY OF INSPECTORS

Sec.1 The Superintendent or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

Sec.2 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

Sec.3 While performing necessary work on private properties, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V1, Section 9 of this ordinance.

Sec.4 The Superintendent or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE X

PENALTIES

Sec.1 Any person found to be violating any provision of this ordinance, 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. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec.2 Any person who shall continue any violation beyond the time limit provided for in Section I of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$700.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

Sec.3 Any person violating any of the provisions of this ordinance shall be liable to the city for any reason of such violation.

ARTICLE XI

VALIDITY

Sec.1 This ordinance shall be in full force and task effect from and after its passage and approval and publication as provided by law.

Sec.2 All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Sec. 3

Passed by the City Council of the City of
Cleveland, Minnesota on the _____ day of
_____, 19____.

Mayor

Attest:

City Clerk

Published in the _____ on the _____ day of _____, 19____.

ORDINANCE NO. 4300.00

City of Cleveland, Minnesota

AA ORDINANCE ESTABLISHING A SEWER SERVICE CHARGE SYSTEM
FOR THE CITY OF CLEVELAND, MINNESOTA

An ordinance providing for Sewer Service Charges to recover costs associated with:

- 1) Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
- 2) Local capital costs incurred in the construction of the City's Wastewater Treatment System.

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

- Sec.1 Administration - Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).
- Sec.2 Biochemical oxygen demand or BOD5 - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- Sec.3 City - The area within the corporate boundaries of the City of Cleveland, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term "City" may also refer to the City Council or its authorized representative.
- Sec.4 Commercial User - Any place of business which discharges sanitary waste as distinct from industrial wastewater.
- Sec.5 Debt Service Charge - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

- Sec.11 Industrial Wastewater - The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Division A, B, D, E, and I manufacturers as distinct from domestic wastewater.
- Sec.12 Institutional User - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).
- Sec.13 Fecal Coliform - Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
- Sec.14 Operation and Maintenance; - Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, which ever is longer of the treatment *works*, and at the level of performance for which the treatment *works* were constructed. Operation and Maintenance includes replacement.
- Sec.15 Operation and Maintenance Costs - Expenditures for operation and maintenance, including replacement.
- Sec.16 Public Wastewater Collection System - A system of sanitary sewers owned, maintained, operated and controlled by the City.
- Sec.17 Replacement - Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, or the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Sec.18 Replacement Cost - Expenditures for replacement.
- Sec.19 Residential User - A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.
- Sec.20 Sanitary Sewer - A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

- Sec.21 **Sewer Services Charges** - The aggregate of all charges, including charges for operation, maintenance, replacement, debt services, and other sewer related charges that are billed periodically to users to the City's wastewater treatment facilities.
- Sec.22 **Sewer Service Fund** - A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.
- Sec. 23 **Shall** - is mandatory; **May** - is permissive.
- Sec.24 **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 hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec.25 **Standard Industrial Classification Manual** - Office of Management and Budget, 1972.
- Sec.26 **Suspended Solids (SS) or Total Suspended Solids (TSS)** - The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.
- Sec.27 **Toxic Pollutant** - The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.
- Sec.28 **User Charge** - A charge levied on users of a treatment works for the user's proportionate share of the cost, of operation and maintenance, including replacement.
- Sec. 29 **Users** - Those residential, non-residential, and industrial establishments which are connected to the public sewer collection system.
- Sec.30 **Wastewater** - The spent water of a community, also referred to as sewage. From the Standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

- Sec.31 Wastewater Treatment Works or Treatment Works - An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling additions, and alterations thereof, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

ARTICLE II

ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

- Sec. 1 The City of Cleveland hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.
- Sec. 2 Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.
- Sec. 3 Each user shall pay debt service charges to retire local capital costs as determined by the City Council.
- Sec. 4 Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Ordinance. The Sewer Service Charge System developed with the assistance of shall be adopted by resolution upon enactment of this Ordinance, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.
- Sec. 5 Revenues collected for Sewer Service shall be deposited in a separate fund known as "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility, and to retire the debt for capital expenditure.

Sec. 6 Sewer Service Charges and the Sewer Service Fund will be administrated in accordance with the provision of Article V of this Ordinance.

ARTICLE III

DETERMINATION OF SEWER SERVICE CHARGES

Sec. 1 Users of the City of Cleveland wastewater treatment works shall be identified as belonging to one of the following user classes:

- 1) Residential
- 2) Commercial
- 3) Governmental
- 4) Institutional
- 5) Industrial

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Sec. 2 Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 188 mg/l BOD and 209 mg/l TSS (i.e. Normal Domestic Strength Wastewater).

Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Nonresidential Users" for the purpose of rate determination.

Sec.3 The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Wastewater" shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

A. Residential Users

Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The yearly billable wastewater volume shall be equal to 100 percent of the yearly metered water usage.

The City may require residential users to install water meters for the purpose of determining billable wastewater volume.

B. Non-Residential Users

The billable wastewater volume of nonresidential users will be determined on 100 percent of the metered water usage as recorded throughout the year.

The City may, at its discretion, require nonresidential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

User Charges for Normal Domestic users shall be determined as follows:

A. Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater

$$Uomr = \frac{Comr}{Tbwv}$$

Where: Uomr = Unit cost for operation, maintenance and replacement.

Comr = Total annual OM & R costs.

Tbwv = Total annual billable wastewater volume in kgal.

B. Calculation of User Charge

$$Uc = Uomr \times bwv$$

Where: Uc = User Charge

Uomr = Unit cost for operation, maintenance and replacement in \$/kgal.

Bwv = Billable wastewater volume of a particular user in kgal.

Sec. 5 Recovery of Local Construction Costs

Local construction costs of the wastewater treatment facility will be recovered through a Debt Service Charge calculated using usage, connection and assessment charges as follows:

A. Calculation of Debt Service Unit Cost for Wastewater Volume:

$$Uds = \frac{Cds}{Tbwv}$$

Where: Uds = Unit cost for debt service in \$/kgal.

*Cds Cost of annual debt service assigned for wastewater volume.

Tbwv Total annual billable wastewater volume in Kgal.

*City may reduce the cost of annual debt service through the use of other City funds at its discretion.

B. Calculation of Debt Service Billable Connection Cost:

$$UD = \frac{CDC}{TC}$$

Where: UD = Unit Billable Connection Cost for debt service.

*CDC = Costs of Annual Debt Service Assigned for Connections.

Tc = Total Number of Billable Connections.

*City may reduce the cost of annual debt service through the use of other City funds at its discretion.

C. Calculation of Debt Service for assessment of construction costs for the wastewater treatment facility will be recovered through an assessment as established by the City Council.

D. Calculation of Debt Service Charge

$$DC = Uds \times bwv + UD \times U + \text{Assessment}$$

Where: Dc = Debt Service Charge
 Uds = Unit Cost for Debt Service in \$/Kgal.
 UD = Unit Billable Connection Cost for Debt Service
 U = Number of Billable Connections for Particular User.
 bwv = Billable Wastewater Volume of a Particular User in Kgal.

Assessment = Amount of Assessment Charged per Year

Sec. 6 Determination of Sewer Service Charges

The Sewer Service Charge for a particular connection shall be determined as follows:

$$SSC = Uc + Dc$$

Sec. 7 The Sewer Service charges established in this Ordinance shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength or wastes of unusual character, or contractual agreements with such users, as long as the Mowing conditions are met:

- 1) The user pays Operation, Maintenance, and Replacements costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater".
- 2) The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City as provided for in Ordinance No. 4200.00 "An Ordinance Establishing Sewer Use Regulations".

A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

ARTICLE IV

SEWER SERVICE FUND

Sec.1 The City of Cleveland hereby establishes a "Sewer Service Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- 1) Operation and Maintenance Account
- 2) Equipment Replacement Account
- 3) Debt Retirement Account

Sec.2 All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the "Operation and Maintenance Account," the Equipment Replacement Account," and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this ordinance.

Sec.3 Revenue generated by the Sewer Service Charge sufficient to insure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account."

Sec.4 Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

III

ARTICLE V

ADMIMSTRATION

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

Sec. 1 The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of such costs annually in January.

The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Article H, Section 2 of this Ordinance and Section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

The City shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Sec.2 In accordance with Federal and State requirements each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance and replacement.

Sec.3 In accordance with Federal and State requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

Sec.4 Bills for Sewer Service Charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full after the due date will be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill. If the bills are not paid within 60 days from the date of rendering, the Owner(s) sewer service (water service) may be disconnected.

Sec.5 The owner of the premises, shall be 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 is liable therefore to the City.

Sec.6 Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expenses to the City.

ARTICLE VI

PENALTIES

Sec.1 Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises serviced, and all such charges which are on December or each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

Sec.2 As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

Sec.3 In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner of user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate permitted by the State Law.

ARTICLE VII

VALIDITY

- Sec.1 This ordinance shall be in full force and task effect from and after its passage and approval and publication as provided by law.
- Sec.2 All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.
- Sec.3 Passed by the City Council of the City of Cleveland, Minnesota on the 5th day of July, 1988.

/s/ C. Gordon Dickie
Mayor

Attest:

/s/ SylVia Perron
City Clerk

Published in the St. Peter Herald on the _____ day of _____ 1988.

(Sections 4400.004980,00, inclusive, reserved for future expansion)

SEC. 4990.00 VIOLATION. A MISDEMEANOR OR PETTY MISDEMEANOR. Violation of any Ordinance in this chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.

(Pages 114-130 reserved)

CHAPTER 5

MUNICIPAL REGULATIONS, LICENSING AND PERMITS

SECTION 5000.00. RULES PERTAINING TO THE ISSUANCE OF LICENSES AND PERMITS AND AGREEMENTS WITH PUBLIC UTILITY COMPANIES.

SEC. 5010.00 DANCES.

Subd. 5010.01, DEFINITIONS. As used in this Section, the following words and terms shall have the meaning stated:

A. "Public Dance" - Any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, which fee may be in the form of a club membership, or payment of money, directly or indirectly.

B. "Public Dancing Place" - Any room place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.

Subd. 5010.02. Permit Required. It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefore from the City. Dances held at the school, sponsored by a school organization, are not required to procure a permit.

Subd. 5010.03. Permit Fee. The license fee shall be fixed and determined by the Council at the time the application is approved by it, which fee shall include the cost of any investigation and the fees and expenses of providing attendance of a police officer, or officers.

Subd. 5010.04. Application and Permit.

A. A verified application for a dance permit shall be filed with the City and shall specify the names and addresses of the person, persons, committee or organization that is to hold the dance, time and place thereof

B. All applications, if so requested by the Council, shall be accompanied by affidavits of two residents showing that the applicant is of good character and reputation in the community in which he lives, that he has not been convicted of a felony, gross misdemeanor, or violation of any public dance laws within the past five years. No license shall be issued to any person who has been so convicted.

C. No permit shall be granted by the Council for any place having so-called "private apartments" or "private rooms" furnished or used for any purpose other than a legitimate business purpose which adjoins such dancing place, or which may be reached by stairs, elevators, or passageway leading from such dancing place. Nor shall a license be granted for any place which is not properly ventilated and equipped with necessary toilets, washrooms or lighting facilities.

D. Applications may be referred by the Council to the Police Department for investigation and report prior to being acted upon by the Council.

E. The Council shall act upon all dance license applications at a regular or special meeting thereof, whether or not it is included in the call or agenda of the meeting.

F. At least one officer of the law shall be designated by the City Council and employed by the City to be present at every public dance during the entire time said dance is being held. For purposes of this Subparagraph the term "officer of the law" means any person who is a full-time peace officer, part-time peace officer, or person deputized by the City Council. In the discretion of the Council or Police Department more than once such police officer may be required.

G. The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefore, and the time and place licensed. A license shall also state that the licensee is responsible for the manner of conducting the dance.

H. No permit shall be issued to any applicant under the age of eighteen (18) years.

Subd. 5010.05. Dance Regulations.

A. Obscenity and Immorality Prohibited. It is unlawful for any person to dance, or for a licensee to permit or suffer any person to dance at any public dance in an indecent or immodest manner. It is also unlawful for any person at a public dance to speak in a rude, boisterous, obscene, or indecent manner or for any licensee to suffer or permit any person so to act or speak in any public dancing place.

B. Illumination. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low so as to give imperfect illumination is prohibited. The permittee shall have the responsibility of providing proper illumination at all time.

C. Certain Persons Prohibited. When alcoholic beverages are being served and/or consumed, no permittee shall allow any unmarried person under the age of nineteen (19) years, unless said unmarried person is accompanied by his/her parent or guardian, to remain in a public dancing place. When no alcoholic beverages are being served and/or

consumed, there need not be a lower age limit. Nor shall any permittee allow any intoxicated person, or other person who persists in violating the law, to be or remain on a public dancing place.

D. Hours of Dancing. No public dance shall be held on Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon. No public dance shall be held on any day between the hours of 1:00 O'clock A.M. and 6:00 o'clock A.M.

E. Alcoholic Beverages-Hours of Service. No alcoholic beverages may be served and/or consumed between the hours of 12:00 A.M. and 8:00 A.M. at a public dancing place.

Source: City Code
Effective Date: Dec. 20, 1984

(Sections 5020.00-5060.00, inclusive, reserved for future expansion.)

ORDINANCE #5070.00

An ordinance relating to the sale, possession, and use of tobacco, tobacco products, and tobacco related devices in the City of Cleveland and to reduce the illegal sale, possession, and use of such items to and by minors.

The City Council of the City of Cleveland ordains.

Section 100. Purpose. Because the City of Cleveland recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices, and such sales, possession, and use are violations of both State and Federal laws; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use, of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. 144.391.

Section 200. Definitions and Interpretations. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" mean mandatory and the term "may" mean permissive. The following terms shall have the definitions given to them:

Subd. 1. Tobacco or Tobacco Products. "Tobacco" or "Tobacco products" shall mean any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff, fine cut or other chewing tobacco; cheroots; stogies; perique, granulated, lug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers, cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.

Subd. 2. Tobacco Related Devices. "Tobacco related devices" shall mean any tobacco product as well as pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

Subd. 3. Self-Service Merchandising. - "Self-Service Merchandising" shall mean open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 4. Vending Machine. "Vending Machine" shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco related device.

Md. 5. Individually Packages "Individually packages" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags, or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

Subd. 6. Loosies. "Loosies" shall mean the common term used to refer to a single or individually packaged cigarette.

Subd. 7. Minor. "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 8. Retail Establishment. "Retail Establishment" shall mean any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience store, and restaurants.

Subd. 9. Moveable Place of Business. "Moveable Place of Business" shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd 10. Sale. A "Sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 11. Compliance Checks. "Compliance Checks" shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or local laws and regulations relating to tobacco, tobacco products, and tobacco related devices.

Section 300 License. No person shall sell or offer to sell any tobacco, tobacco products, or tobacco related device without first having obtained a license to do so from the city.

Subd. 1. Application. An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provide by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled Board meeting. If the City Clerk determines that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2. Action. The City Council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

Subd. 3. Term. All licenses issued under this ordinance shall be valid for one calendar year from the date of issue.

Subd. 4. Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

Subd. 5. Transfers. All licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.

Subd. 6. Movable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

Subd. 7. Display- All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Section 400. Fees. No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. the fee for a license under this ordinance shall be \$25.00.

Section 500. Basis for Denial of License. The following shall be grounds for denying the issuance of renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section:

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or local law, ordinance provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.
- C. The applicant has had a license to sell tobacco, tobacco products, or tobacco related devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation, from holding such a license.

Section 600. Prohibited Sales. It shall a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- A. To any person under the age of eighteen (18) years.
- B. By means of any type of vending machine, except as may otherwise be provided in this ordinance.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer.
- D. By means of loosies as defined in Section 200 of this ordinance.

- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- F. By any other means, to any other person, in any other manner or form prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

Section 700. Vending Machines. It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

Section 800. Self-Service Sales. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by any means where by the customer may have access to such items without having to request the item from the licensee or the licensee's employ and whereby there is not a physical exchange of the tobacco, tobacco products, or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco related devices at the time this ordinance is adopted shall comply with this section within ninety (90) days following the effective date of this ordinance.

Section 900. Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Ordinance, State, or Federal law, or other applicable law or regulation.

Section 1000. Compliance Checks, and Inspections. All licensed premises shall be open to inspection by the County Sheriff, City Police Departments or other official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minor's lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her

employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Section 1100. Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this ordinance.

Subd. 1. Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor.

Subd. 2. Illegal Possession. It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. this subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3. Illegal Use. It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

Subd- 4 Illegal Procurement. It shall be a violation of this ordinance for this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5. Use of False Identification. It shall be a violation of this ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with, to represent an age older than the actual age of the person.

Section 1200. Violations.

Subd. 1. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

Subd. 2. Hearings. If a person accused of violating this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3. Hearing Officer. The City Council shall serve as the hearing officers.

Subd. 4. Decision. If the hearing officer determine that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 1300 of this ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officers find that no violation occurred or find grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted violator.

Subd. 5. Appeals. Appeals of a decision made by the hearing officers shall be filed in the district court for the city in which the alleged violation occurred.

Subd. 6. Misdemeanor prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

Subd. 7. Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Section 1300 Penalties

Subd. 1. Licensees and Employees. Any licensee, and any employee of a licensee, found to have violated this ordinance shall be charged an administrative fine of One Hundred dollars (\$ 100) for a first violation of this ordinance; two hundred dollars (\$200) for a second offense at the same licensed premises within a twenty-four month period; and two hundred fifty dollars (\$250) for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for not less than seven (7) days.

Subd. 2. Other Individuals, Other individuals, other than minors regulated by subdivision 3 of this Subsection, found to be in violation of this ordinance shall be charged an administrative fee of fifty dollars (\$50).

Subd. 3. Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged in accordance with State Statute and an administrative penalty outlined in the Notice of Administrative Offense Form.

Subd. 4. Misdemeanor, Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this ordinance.

Section 1400. Exceptions and Defenses. Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonable relied on proof of age as described by State Law.

Section 1600. Effective Date. This ordinance shall take effect the day following publication in the local newspaper

(Sections 5090.00-5 100. 00, inclusive, reserved for future expansion.)

SEC. 5110.00. REFUSE HAULERS.

Subd. 5110.01. Refuse Defined. The term "refuse" means waste, garbage and rubbish of all kinds that accumulate in the ordinary operation of a household, or commercial or industrial establishment, including, but not limited to, grass trimmings, ashes, tin cans, and tree branches (those branches small enough to be placed in a 30-gallon standard type garbage can contained and placed therein).

Subd. 5110.02. License Required. It is unlawful for any person to haul refuse for hire without a license therefor from the City, or to haul refuse from his own residence or business property other than as herein excepted. Violation of this subdivision is a misdemeanor.

Subd. 5110.03. Exception. Nothing in this Section shall prevent persons from hauling refuse from their own residences or business properties provided the following rules are observed: (1) that all refuse is hauled in containers that are water-tight on all sides and the bottom and with tight-fitting covers on top, (2) that all refuse is hauled in vehicles with leak-proof bodies and completely covered or enclosed by canvas or other means or material so as to completely eliminate the possibility of loss of cargo, and, (3) that all refuse shall be dumped or unloaded only at the waste transfer station designated by the City Cleveland.

Subd. 5110.04. Hauler Licensee Requirements.

A. Hauler licenses shall be granted only upon the hauler meeting the following conditions:

1. The licensee shall have water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo.

2. That the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonable necessary to collect refuse.

3. That the vehicle be dumped or unloaded only at the transfer station designated by the City and the hauler shall remain in strict compliance with the regulations of the transfer station designated by the City at all times.

4. The hauler must offer a recycling program to all the hauler's consumers/clients within the city limits which meets with the approval of the City Council.

5. The hauler must comply with the City's street or road weight restrictions and shall use trucks which strictly conform to this requirement.

6. The hauler shall as part of the licensure requirement agree to hold the City harmless from any action and indemnify the City for any judgment against it as a result of the hauler's delivering inappropriate or unacceptable waste to the transfer station designated by the City.

7. The hauler shall file evidence satisfactory to the City Clerk that the hauler has provided public liability insurance on all vehicles in at least the sum of \$500,000.00 for the injury of one person, \$500,000.00 for the injury of two or more persons in the same accident, \$500,000.00 for property damages, a \$1,000,000.00 umbrella and a \$5,000.00 workman's compensation policy in effect. The policy shall carry an endorsement that the policy shall not be cancelled or terminated without first giving notice to the City, in writing, at least ten days prior to the proposed cancellation.

B. All hauler's licenses within the City shall be issued by the City Council. No hauler shall be issued a license unless the hauler complies with each and every one of the conditions set out in the previous paragraph. Further, the City, upon Council action, may revoke a hauler's license in the event it is found that the hauler during the period of licensure has at any point failed to comply with each and every one of the conditions set out in the previous paragraph. Each hauling license granted by the City shall be for a one-year period. Each year the City Council shall on a case by case basis determine whether an existing hauler's license should be renewed for an additional one-year period. Before each hauling license is issued or renewed the hauler shall pay to the City Clerk \$50.00 as the annual licensure fee.

C. The Council, in the interest of maintaining healthful and sanitary conditions in the City, hereby reserves the right to specify and assign certain areas to all licensees, and to limit the number of licenses issued.

D. Each applicant shall file with the City Clerk, before a hauler's license is issued or renewed, a schedule of proposed rates to be charge by him during the licensed period for which the application is made. The schedule of proposed rates, or a compromise schedule thereof, shall be approved by the Council before granting the license. Nothing herein shall prevent a licensee from petitioning the Council for review of such rates during the licensed period, and the Council may likewise consider such petition and make new rates effective at any time. No licensee shall charge rates in excess of the rates approved by the Council.

(Sections 5120.00-5160.00, inclusive, reserved for future expansion.)

SEC. 5170.00. CONTRACT FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF REUSE. (See pages 139a - 139g for contract.)

Source: City Code
Effective Date: 8-5-85

(Sections 5180.00-5200.00, inclusive, reserved for future expansion.)

CONTRACT OF COLLECTION,
TRANSPORTATION AND DISPOSAL OF REFUSE

This agreement, made and entered into this 26th day of September, 1995 by and between the City of Cleveland, Minnesota, a Municipal Corporation organized and existing under the Laws of the State of Minnesota, herein referred to as the "City" and Lake County Sanitation, Inc., herein referred to as the "Contractor".

WITNESSETH;

WHEREAS, the City has found and determined that the public health and safety of the City of Cleveland will be promoted and preserved by establishing with a private contractor an arrangement for the collection, transportation, and disposal of refuse produced, kept, and accumulated with the City, and

WHEREAS, Pursuant to appropriate action heretofore taken, the City has determined that the Contractor to be qualified to carry out the terms of this agreement, and

WHEREAS, the City desires to continue its curbside recycling program; and

WHEREAS, the Unit service fee proposed by the contractor is acceptable to the City.

NOW, THEREFORE, In consideration of the covenants, promises, under takings and obligations herein created, granted, and assumed by the parties hereto agree as follows:

Section 1. Definitions.

- Refuse- Refuse shall mean wastes, garbage and rubbish of all kinds that accumulates in the ordinary operation of a household, or commercial or industrial establishment.
- Residential Unit- Residential unit as used herein shall mean any residential unit in which one or more person reside.
- Recyclables- Lake County Sanitation will supply each residential unit with a covered recycling cart approximately 20 gallons in size. Recyclables to be collected are subject to a plan promulgated by the Tri-County Solid Waste Commission. The recyclables collected will include the following:
 - *Paper *Aluminum *Glass *Plastics
 - Cardboard (corrugated) *Boxboard
 - *Paper (Newspaper & mixed Mail) *Other household metals
- Other Waste- Other waste shall mean large items not suitable for bagging. Examples such include but are limited to appliance, furniture, and carpet.

- Compulsory Disposal List- The Compulsory Disposal List shall mean the list of persons with the City of Cleveland who, by the provisions of the City ordinance are required to pay a monthly unit service fee for the collection, transportation, and disposal of refuse. Vacant premises where all persons are absent for a period of thirty (30) days or more will be removed from the Compulsory Disposal List during said vacancy.
- Unit Service Fee- Unit Service Fee shall mean that monthly charge made to the owners and occupants or residential property. Service Fee shall be the cost of collection and transportation.
- Multiple Residence- Multiple Residence shall mean any single structure containing two (2) or more dwelling units.
- Person- Person shall mean and include any natural person, corporation, firm or association.
- Site- Site shall mean the Minnesota Waste Processing Company's transfer station located in Mankato, Minnesota, or an alternative site approved by the City.
- Unacceptable Waste- As defined in the MWPC contract with the City of Cleveland, "Unacceptable Waste" shall mean waste which would likely pose a threat to the health or safety or to the environment, or which may cause damage to or adversely affect the operation of NRG Facilities in a material way including, but not limited to: (a) Hazardous Waste of any kind or nature such as explosives, radioactive materials, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, pesticides, insecticides or drugs; (b) Infectious Waste of any kind or nature such as pathological and biological waste; sanitary sewage and other highly diluted water-carried materials or substances; human or animal waste; sludge, including sewage sludge and septic and cesspool pumpouts; human and animal remains; and (c) other wastes including solvents and liquid wastes; street sweepings, mining waste; incinerator residue; transformers, batteries, aerosol cans; trees; demolition debris; ashes; foundry sand; concrete rubble; rock; gravel or construction debris.