

WASHINGTON COUNTY, MINNESOTA

WASTEWATER SERVICE CHARGE ORDINANCE

NO. 2.4

AN ORDINANCE ESTABLISHING THE CHARGES FOR THE OPERATION, MAINTENANCE, AND ADMINISTRATION OF COMMUNITY SEWAGE TREATMENT SYSTEMS CONSTRUCTED WITH "201" GRANT ASSISTANCE IN THE CITY/TOWN OF New Scandia.

THE CITY COUNCIL/TOWN BOARD OF THE Town OF New Scandia, STATE OF MINNESOTA DOES ORDAIN:

SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Wastewater Services Charge Ordinance, except as referred to herein, where it shall be known as, "this Ordinance".

SECTION 2. INTENT AND PURPOSE

201. This Ordinance is adopted for the purpose of:

- (1) Setting forth the requirements for accruing revenues to enable the City/Town of New Scandia to comply with State and Federal laws and to provide sufficient revenues to financially balance expenditures for the maintenance of those community sewage treatment systems within the City/Town of New Scandia constructed with Federal and State grant funds.
- (2) Assessing those users of the community sewage treatment systems within the City/Town of New Scandia which are constructed with Federal and State grant funds, user charges based on the user's proportionate contribution to the total wastewater loading from all users.

SECTION 3. RULES AND DEFINITIONS

301. Rules.

301.01. In the event of conflicting provisions in the text of this Ordinance, and/or other ordinances, the more restrictive provisions shall apply. The City Council/Town Board shall determine which is more "restrictive".

301.02. Words used in the present tense shall include the past and future tense; the singular includes the plural and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive.

302. Definitions.

302.01. For the purpose of this Ordinance, certain terms, words and phrases are hereby defined as follows:

- (1) **Administrative Costs.** Those fixed costs attributed to administration of the wastewater treatment works, including but not limited to; billing, bookkeeping and accounting functions.
- (2) **Biochemical Oxygen Demand (BOD₅).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days to 20° C, expressed in milligrams per liter.
- (3) **City.** The community, either incorporated or unincorporated, which has adopted this ordinance.
- (4) **Community Sewage Treatment System.** A sewage treatment system which collects sewage from two or more residences or other establishments, consisting of: collector lines, pumps, sewage tanks, and soil treatment unit. Also known as a cluster system.
- (5) **Commercial User.** Any place of business which discharges sanitary wastes as distinct from industrial wastewater.
- (6) **County.** The area within the boundaries of Washington County. The term "County" when used herein may also be used to refer to the County Board and its authorized representatives.
- (7) **Equivalent Residential Unit (ERU).** A unit of wastewater volume of 225 gallons per day and a theoretical strength of 200 mg/l of BOD and 225 mg/l of total suspended solids.
- (8) **Extra Strength Waste.** Wastewater having a BOD and/or suspended solids greater than Normal Domestic Strength Waste as defined in (15) below, and not otherwise classified as an incompatible waste.
- (9) **Governmental User.** Users which are agencies or instrumentalities of federal, state, or local government discharging Normal Domestic Strength Wastewater.
- (10) **Incompatible Waste.** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the wastewater treatment works.
- (11) **Individual Sewage Treatment System.** A sewage treatment system connecting to a single dwelling or other establishment, consisting of: soil treatment unit, sewage tanks, and associated systems.

- (12) **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.
- (13) **Institutional User.** Users which are social, charitable, religious, and educational organizations and agencies such as: schools, churches, hospitals, nursing homes, penal institutions.
- (14) **Monitoring and Inspection Costs.** Expenditures for monitoring and inspecting wastewater systems which are operated and maintained according to passive maintenance.
- (15) **Normal Domestic Strength Wastewater.** Wastewater that is primarily produced by residential users, with BOD₅ concentrations of approximately 200 mg/l and suspended solids concentrations of approximately 225 mg/l.
- (16) **Operation and Maintenance Costs.** Expenditures for activities required to provide for the dependable and economical functioning of the treatment works, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance includes, but is not limited to: monitoring and inspection of systems, septic tank pumping, and administration. Operation and maintenance also includes replacement.
- (17) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the design or useful life, whichever is longer, of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.
- (18) **Residential User.** The users of structures which are residential in nature and distinct from industrial, commercial, or institutional users. For the purposes of this Ordinance, residential waste shall be considered to have the following: BOD₅ <200 mg/l., suspended solids 225 mg/l.
- (19) **Suspended Solids.** Solids that are filterable and in suspension in the liquid; the quantity being determined by the filterable residue test as described in "Standard Methods for the Examination of Water and Wastewater".
- (20) **User Charge, also known as Wastewater Service Charge.** Charges to users of wastewater treatment facilities for the costs of operation and maintenance, replacement, monitoring and inspection, septic tank pumping and administration.

- (21) **User Charge System, also known as Wastewater Service Charge System.** A system based on estimated use of wastewater treatment services where each user (or user class) pays its proportionate share of operation and maintenance (including replacement) costs of treatment works within the grantee's service area, based on the user's proportionate contribution to the total wastewater loading from all user's (or user classes). To insure a proportional distribution of operation and maintenance costs to each user (or user class), the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.
- (22) **Users.** Those residential, commercial, and industrial establishments which are connected to the public sewer collection system.
- (23) **Wastewater.** The spent water of a user. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (24) **Wastewater Service Charge, also known as User Charge.** Charges to users of wastewater treatment facilities for the costs of operation and maintenance, replacement, monitoring and inspection, septic tank pumping and administration.
- (25) **Wastewater Treatment Facilities.** An arrangement of devices and structures used for treating wastewaters which have been constructed with State and Federal grants.

SECTION 4. REGULATIONS

401. Wastewater Service Charge System.

401.01. The City/Town of New Scandia hereby establishes a Wastewater Service Charge System whereby revenue collected from users of the wastewater treatment facilities will be used to offset all expenditures incurred for administration, annual operation and maintenance and equipment replacement.

401.02. Users of the "201" wastewater facilities of the City/Town of New Scandia shall be classified into one of the following categories:

- (1) Permanent User
- (2) Seasonal User

401.03. Wastewater charges will be established based on Equivalent Residential Units (ERU). One ERU is defined as a unit of wastewater volume of 225 gallons per day with a theoretical waste strength of 200 mg/l of BOD and 225 mg/l of total suspended solids. The assignment of ERUs will be made by the City/Town. Seasonal units will have a value of sixty percent (60%) of an equivalent year round unit.

- (1) Equivalent Residential Units at a volume of 225 gallons per day Normal Domestic Strength Wastewater will be assigned by the City/Town according to the following table:

No. of Bedrooms	Sewage Flows in gal. per day	ERUs
1-2	225	1.0
3	300	1.3
4	375	1.7
5	450	2.0
6	525	2.3
7	600	2.7

Non-residential users shall be assigned ERUs according to ESTIMATES OF COMMERCIAL, INDUSTRIAL, AND RECREATIONAL WASTEWATER FLOWS as printed in the On-Site Sewage Treatment Manual, which is printed annually by the University of Minnesota Agricultural Extension Service and the Minnesota Pollution Control Agency.

- (2) Users may appeal the number of ERUs assigned to a particular connection by installing and maintaining, at their own expense, water meters of a type approved by the City. Such meters shall be equipped with remote registering recorders located at an accessible site on the owners property.
- (3) The City may, at its discretion require non-residential users to install water meters for the purpose of deter-

mining wastewater volume. The City may require residential connections to install water meters as part of a comprehensive program to install meters throughout the City's water system. When so required, such meters shall be of a type approved by the City and equipped with remote registering recorders, and located at an accessible site on the owner's property.

401.04. In accordance with Federal and State requirements, each user will be notified annually at the beginning of each calendar year of the User Charge Rates attributed to wastewater treatment services.

401.05. In accordance with Federal and State requirements, the City/Town Clerk will be responsible for maintaining all records necessary to document compliance with the Wastewater Service Charge System adopted.

SECTION 5. DETERMINATION OF WASTEWATER SERVICE CHARGE

501. Recovery of Costs. It is the intent of this Ordinance that the wastewater service charges shall cover the costs of operating and maintaining the wastewater systems, and that costs are recovered from all users in a proportionate manner. The City/Town shall maintain a proper system of accounts suitable for determining the operation and maintenance and equipment replacement costs of the collection and treatment facilities. These costs shall be reviewed at regular annual intervals. The City/Town shall determine whether or not sufficient revenue is being generated for the effective operation and maintenance and management of the wastewater system, and that user charges are being distributed proportionately to all users. Any inequities and/or shortages shall be corrected by adjusting the rates accordingly by resolution of the City/Town.

502. Determination of User Charge. All users shall be charged an annual wastewater service charge in accordance with the methodology of Equipment Replacement Charge per year

Annual Fees and Payments. All users of the wastewater facilities shall be charged annually for sewer service based on the number of equivalent residential units assigned to each and whether the unit is seasonal or year round. Payment shall be made in full within 30 days of the billing date.

Septic Tank Effluent Pumping Surcharge. An additional fee shall be charged to users of the community sewage treatment system who, for whatever reason, require septic tank pumping more frequently than once in two years. The surcharge for such frequent pumping shall be at the same rate, either per tank or per gallon, as established by contract for the routine pumping of each septic tank on the community sewage treatment system.

Fees for unusual wastes. If a user discharges toxic pollutants of unusual strength or character to the treatment facilities which cause or increase the operation and maintenance costs, he/she shall be ordered either to install pretreatment facilities or pay the extra costs of treating the wastes. This decision will be made by the City/Town, at the time the user begins to discharge extra strength wastes.

Toxic or incompatible waste clean-up. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the costs of restoring wastewater treatment services, and restoration of ground and surface water and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, in addition to the expense to the City.

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507. Establishment of Special Accounts. The City/Town hereby establishes a Wastewater Service Fund into which all revenue collected from users will be deposited for disbursements into the general operating fund and the replacement fund. For the purpose of community and cost accounting records, this fund is designated as an income account. Revenue sufficient to insure adequate replacement shall be held in the replacement fund separate from the operation and maintenance fund. Separate accounting shall insure the integrity of these funds and that interest accrues proportionately to each fund.

SECTION 6. ADMINISTRATION

601. Applicability.

601.01. This Ordinance shall apply and be in effect for the stated purposes within the "201" study areas in the City/Town of New Scandia.

601.02. Enforcement.

- (1) The Town/City Clerk/Administrator shall be responsible for administration and enforcement of this Ordinance.
- (2) The Clerk/Administrator or his/her agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current Individual Sewage Treatment System Certificate and a current Class D operators certificate.

*County
or
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else.
agent
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601.03. Appeals and Variances.

- (1) The City Council/Town Board shall hear and decide appeals and review any order, decision or determination made by the Clerk/Administrator regarding the enforcement of this Ordinance.
- (2) The Board of Adjustment & Appeals shall hear and act upon all rate adjustment and variance requests.
- (3) Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by a decision.

Town Board or County

*2 rate
adjustment*

SECTION 7. ENFORCEMENT**701. Violations and Penalties.**

701.01. Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past-due notice shall be issued to the billed party. The past-due notice shall contain an additional charge to cover the costs of the rebilling. Additional delinquent notices including their respective charges shall be sent at eight (8) and twelve (12) weeks after the billing date. Should a bill still be delinquent after one hundred twenty (120) days, the City/Town may elect to take the following actions:

- (1) Whenever wastewater service charge bills become delinquent, the amount due shall be certified to the County Auditor for inclusion with the following year's tax statement.
- (2) Lien. Whenever wastewater treatment bills become delinquent, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:
 - (a) a description of the real estate, sufficient for the identification thereof, upon or for which the sewage service was supplied;
 - (b) the amount of money due for such sewage service; and
 - (c) the date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statutes, the City/Town may foreclose the lien in the same manner and with the same effect as the foreclosing or mortgages on real estate.

- (3) Civil Action. In the alternative of levying a lien, the City/Town may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the City/Town in filing the civil action. Such attorney's fees shall be fixed by order of the court.

701.02. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of twelve percent (12%) per annum.

701.03. The City/Town reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment becomes delinquent.

SECTION 8. EFFECTUATION

801. Separability.

801.01. It is hereby declared to be the intent that the several provisions of this Ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

802. Effective Date.

802.01. Passed by the Town of New Orenda on Tenth day of September 1988. An official copy of this Ordinance is on file in the office of the City/Town Clerk/Administrator.

Attest:

Alvin Peterson
Clerk

Russell Johnson

Approved as to form and legality:

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802. Effective Date.

802.01. Passed by the _____ of _____ on _____, 1988. An official copy of this Ordinance is on file in the office of the City/Town Clerk/Administrator.

Attest: _____

Approved as to form and legality:
