

CITY OF SCANDIA

ORDINANCE NO. 134

**AN ORDINANCE GOVERNING THE “UPTOWN”
WASTEWATER TREATMENT SYSTEM**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

SECTION 1. TITLE.

This Ordinance shall be known, cited and referred to as the Uptown Wastewater Treatment System Ordinance, except as referred to herein, where it shall be know, as “this Ordinance.”

SECTION 2. PURPOSE AND INTENT.

The purpose of this Ordinance is to establish the requirements for the operation, maintenance and administration of Uptown Wastewater Treatment System (UWTS) owned and operated by the City of Scandia which serves the Village Center portion of the City and to establish a mechanism for setting user charges therefor. This Ordinance is intended to provide for operation of the system in accordance with all applicable laws and in an environmentally sound manner, and to provide for the collection of sufficient revenues to financially balance revenues and expenditures for operation and maintenance of the system.

SECTION 3. RULES AND DEFINITIONS.

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 shall determine in its sole discretion which is more “restrictive.” 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.

The following capitalized terms are defined as follows for purposes of this Ordinance:

Account. A record of periodic costs for sewer service provided to each property connected to the Scandia UWTS.

Owner. The owner of a parcel of real property in the City which is served by the UWTS or upon which the Private Portion of the System or the Public Portion of the System are located.

Private Portion of the System. That portion of the UWTS that resides within the individual parcel boundaries of the user and which has not been specifically defined as a public portion of the system, including water meters, building service lines, septic tanks, pumps and any other components serving individual users of the system.

Public Portion of the System. That portion of the UWTS that is owned and operated by the City of Scandia, including the soil treatment system, pre-treatment units, tanks, pumps,

control panels, collection lines, force main and any other components serving more than one user of the system.

City. The City of Scandia, Washington County, Minnesota.

Uptown Wastewater Treatment System (UWTS). A wastewater treatment system that serves the Village Center of Scandia, Minnesota and consisting of: collector lines, pumps, sewage tanks, soil treatment unit and any related appurtenances.

User. The resident, inhabitant, occupant of an establishment that is causing or permitting the discharge of wastewater to the UWTS.

SECTION 4. USER CHARGES AND BILLING.

- A. A schedule of User charges and other fees shall be adopted from time to time by ordinance as allowed by and in accordance with Minnesota Statutes. Such ordinance shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced.
- B. Bills shall be mailed for each account on or before the fifth day of each month and specify the charges in accordance with the current schedule of user charges and fees. All charges shall be due upon receipt and considered delinquent after the fifth day of the following month.

SECTION 5. ACCOUNTS.

- A. All accounts shall be carried in the name of the Owner of the property, at the mailing address to which property tax bills are sent by Washington County unless a written request for an alternative billing address is submitted to the City by the Owner.
- B. The Owner shall be liable for the sewer service supplied to the property, whether he or she is occupying the property or not, and in addition to any other remedy available to the City, including those identified in Section 6 below, any unpaid charges shall be a lien upon the property to the full extent allowed by law.

SECTION 6. DELINQUENT ACCOUNTS.

- A. Late payment penalties shall be assessed on all delinquent accounts in accordance with the schedule adopted by resolution of the City Council from time to time.
- B. Partial payments on delinquent accounts shall first be applied to any penalties and then to user charges.
- C. All delinquent accounts as of October 15 of each year shall be certified to the county auditor for collection with taxes in the following year, according to the following procedure:
 - 1. Notice of the delinquent charges shall be sent to each account holder by first class mail and to the address of the Owner in accordance with Section 5 above, not less than 10 days prior to the date of a City Council hearing to consider the charges proposed to be certified for collection with property taxes for the property.

2. The notice shall state that if payment is not made before the date for certification, the entire amount plus penalties will be certified to the county auditor for collection as other taxes are collected.
 3. A hearing shall be held by the City Council at its regular meeting during the month of November. Accountholders and property Owners with unpaid accounts shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that all or any portion of the amounts claimed as delinquent are actually due and unpaid, and there is no legal reason why the unpaid charges should not be certified for collection with taxes against the property in accordance with this Ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes against the property are collected.
 4. For each certification sustained, the property Owner shall have the following options after the hearing:
 - a) to pay the delinquent amount listed on the preliminary assessment roll, but without additional interest after the hearing, within ten days of the hearing date; or
 - b) to pay the certified charges as billed to the property owner by Washington County on the owner's property tax statement with a collection term of one year.
 5. Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Washington County.
- D. The City may in lieu of or in addition to certification as provided in Section 6(C) above, in its discretion, file suit in a civil action against the Owner of the property to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all costs and attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the Court.

SECTION 7. CONNECTIONS TO THE UPTOWN WASTEWATER TREATMENT SYSTEM.

- A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public or private portion of the UWTS or appurtenance thereof without first obtaining a written permit from the City or County as may be applicable.
- B. All sewer connections shall conform to applicable requirements of the State Building and Plumbing Code and all applicable rules and regulations of the City or County. All connections shall be made gas-tight and water-tight, and verified by proper testing to prevent the infusion of infiltration/inflow. Any deviation from the prescribed procedures and materials shall be approved prior to installation. The connection and inspection shall be made under the supervision of the City Building Official or his designee.
- C. New connections to the UWTS System shall be prohibited unless the City determines that sufficient capacity is available in all downstream facilities. Any person proposing a new connection to the system shall be responsible for the cost of any engineering studies or other use of City consultants necessary to determine whether there is sufficient capacity in the collection and treatment system, and for the cost of any improvements or modifications to the system necessitated by the new connection.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the User. New Users connecting to the system shall pay to the City a sewer connection fee to be determined by the City Council at the time the connection is made.

- D. Each User shall install and maintain a water meter of a type approved by the City.

SECTION 8. MAINTENANCE AND OPERATION OF THE SYSTEM.

- A. Subject to any assessment or other right to seek reimbursement from benefitted properties or Owners, the City shall bear the expense for the maintenance, repair and operation of the Public Portion of the System. Users and Owners shall allow access to the Public Portion of the System on their property.
- B. The User shall bear the expense for the maintenance, repair and operation of the Private Portion of the System. Maintenance and repair shall include but not be limited to: septic and pump tank pumping in accordance with MN Rules Chapter 7080, Washington County Ordinance, and the City of Scandia's Operating Permit for the system, repair of leaking tanks or pipes, repair or replacement of pumps, control panels and accessories, and any other work as determined by the City of Scandia as being necessary to prevent harm to the UWTS.
- C. The User shall allow the City access to inspect the Private Portion of the System. If the User fails to provide needed maintenance or repairs, the City may make the repair and bill it to the User. If the User fails to pay such charge within 60 days of the date of such bill, City may assess the cost against the User and collect such assessment as an additional charge for the use of the system or may pursue any other method of collection of the costs the City deems appropriate
- D. The City will read water meters on a periodic basis to monitor the use of the system and for billing purposes. The Users and Owners shall allow access to and testing of the meter as determined necessary by the City. If a meter is found to be inaccurate it shall be replaced by the User or Owner at its expense with an accurate meter.
- E. It shall be unlawful for any person to tamper with the meter or in any way cause it to provide an inaccurate reading.
- F. Users are required to report any sewer problems or backups to the City. The User shall immediately repair any plumbing malfunction (including but not limited to leaking or running toilets or urinals, or malfunctioning water softener or other appliance) that has the potential to cause an increase in wastewater flow to the system.
- G. Replacement of any plumbing fixture shall be by "low flow" fixtures as defined by the plumbing code.
- H. Users shall not do anything to cause a violation of the conditions of any permit, law, rule, standard or ordinances of any governing bodies or agencies that apply to the system, including but not limited to the ordinances of the City of Scandia, Washington County or requirements of the Minnesota Pollution Control Agency.
- I. Users shall not contribute a volume of wastewater to the system at a rate greater than the following:

User	Average Daily Flow (gallons/day calculated over a period of 1 calendar year)
Schmitt Mall (21080 Olinda Trail) and Edward Jones (21084 Olinda Trail), combined	260
R&B Auto (21060 Olinda Trail)	200
Scandia Café/ Store /Deli (aka “Superette”)	700
Yoga Hus (21070 Olinda Trail)	15
Elim Lutheran Church (including residence/ former parsonage)	450
Gammelgarden Musuem	55
Scandia Community Center and Warming House (14727 209 th St N)	340
Total	2,020

Users found to be exceeding these limits may be required to reduce flows below permitted levels. The City may revise this table by reducing or increasing individual user’s permitted flow, such that the total flow is not exceeded, upon agreement by all users affected.

- J. Any proposed change in land use, application for a building permit for interior alterations, and/or application for a plumbing or mechanical permit for a property served by the UWTS shall be reviewed by the City for its potential impact on the UWTS. No zoning permit or building permit shall be issued if it is found by the City to create the potential for the design flow of the UWTS to be exceeded.

SECTION 9. PROHIBITED WASTE DISCHARGES.

- A. No User shall make or maintain connection of roof downspouts, exterior foundation drains, surface runoff or groundwater to a building sewer or indirectly into the UWTS.
- B. No User shall discharge into the UWTS any incompatible waste, defined as waste that either singly by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates a hazard in the treatment system.
- C. No User shall discharge any garbage or food waste, nor shall a garbage grinder or garbage disposal be installed in any premises served by the UWTS.
- D. No User shall discharge into the UWTS any solid or viscous substances in quantities of or such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the treatment system.
- E. No User shall discharge any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 50 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C).

SECTION 10. COST OF REPAIRS.

In addition to any penalties that may be imposed for violation of any provision of this Ordinance, the City may assess against any User the cost of repairing or restoring sewers or associated facilities damaged as a result of actions by any user, including discharge of excessive flows or prohibited wastes, and may collect such assessment as an additional charge for the use of the system in the manner provided in Section 6 or may pursue any other method of collection of the costs it deems appropriate.

SECTION 11. SEVERABILITY.

If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 12. ADMINISTRATION AND ENFORCEMENT.

- A. The City Administrator shall be responsible for administration and enforcement of the Ordinance, and the collection of the User charges as set forth in this Ordinance. The City Council shall hear and decide appeals and review any order, decision or determination made by the Administrator regarding the enforcement of this Ordinance.
- B. The City hereby establishes an Uptown Wastewater Treatment System Fund into which all revenue collected from users shall be deposited, and from which all expenditures necessary for the operation and maintenance of the system shall be paid.
- C. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine, imprisonment or both, plus the cost of prosecution.
- D. The City reserves the right to disconnect service to any User or property found to be in violation of this Ordinance. Service shall not be disconnected until notice and an opportunity for a hearing before the City Council have been provided to the User and to the Owner of the premises involved.

SECTION 13. REPEAL.

Any ordinance or provision of an ordinance heretofore existing pertaining to the subjects treated in this ordinance, including Ordinance No. 55 (An Ordinance Establishing the Charges for the Operation, Maintenance, and Administration of the Central Community Sewage Treatment System), shall be deemed repealed from and after the effective date of this ordinance.

SECTION 14. EFFECTIVE DATE. This Ordinance shall be in full force and upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this _____ day of _____, 2012.

Randall Simonson, Mayor

ATTEST:

Kristina Handt, Clerk/Administrator