CITY OF SCANDIA

ORDINANCE NO. 189

AN ORDINANCE GOVERNING THE "201" COMMUNITY SEWAGE 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 201 Community Sewage 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 and user charges for the operation, maintenance and administration of community sewage treatment systems constructed with "201" grant assistance and owned and operated by the City of Scandia. This Ordinance is intended to provide for the collection of sufficient revenues to financially balance revenues and expenditures for operation and maintenance of the system, and to provide for operation of the system in accordance with all applicable laws and in an environmentally sound manner.

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 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 terms are defined for purposed of this Ordinance:

Account. A record of periodic costs for sewer service provided to each property connected to the Scandia "201" Community Sewage Treatment System.

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

Community Sewage Treatment System. A sewage treatment system constructed with "201" grant assistance and owned and operated by the City, which collects sewage from two or more residences consisting of: collector lines, pumps, sewage tanks and soil treatment unit.

User. A residential dwelling or other establishment connected to the Community Sewage Treatment System.

SECTION 4. CALCULATION OF USER CHARGES.

A. Prior to the beginning of each calendar year, the City Administrator shall prepare a proposed budget for operation of the Community Sewage Treatment System, including all costs for the operation, maintenance, replacement, and administration of the system. Upon approval of said budget by the City Council, the amount of user charges needed to balance revenues with expenditures shall be determined. The user charges shall be apportioned among all the users of the system in equal amounts, to determine the base user charge for the calendar year.

B. The base user charge may be subject to an energy charge adjustment. A user who supplies power from the user's home electrical connection to a shared lift station may be entitled to a deduction from the base user charge. Users who do not supply power from the user's home electrical connection to any lift station, but who share a lift station to which another user supplies electrical power, may be subject to an increase in the base user charge.

C. **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.**

D. A schedule of user charges and other fees shall be adopted from time to time by ordinance of the City Council.

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 any unpaid charges shall be a lien upon the property.

SECTION 6. BILLING.

A. Bills shall be mailed for each account on or before the fifth day of March, June, September and December of each year and specify the charges in accordance with the current fee schedule set by ordinance of the City Council.

B. All charges shall be due upon receipt and considered delinquent after the fifth day of the following month.

SECTION 7. DELINQUENT ACCOUNTS.

A. Late payment penalties shall be assessed on all delinquent accounts in accordance with the fee schedule set by ordinance of the City Council.

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:

   a. Notice shall be sent to each account holder by first class mail of the delinquent charges 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.

   b. 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.

   c. A hearing shall be held by the City Council at its first meeting during the month of November. 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 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 in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

   d. For each certification sustained, the property owner shall have the following options after the hearing:

      i. 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.

      ii. 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.

   e. Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Washington County.

SECTION 8. CONNECTIONS TO THE COMMUNITY SEWAGE TREATMENT SYSTEM.

A. New connections to the community sewage treatment system shall be prohibited unless Sufficient Capacity is available in all downstream facilities. Sufficient Capacity shall be defined as a minimum available capacity of 10% of the permitted flows for the facility. Flow evaluation shall be based on a minimum of 12 months of flow data. For the Anderson-Erickson facility, sufficient capacity is available if the peak flow as measured over the peak 3-day period is less than 90% of the 6,700 gallon per day system design flow and the peak flow as measured on a monthly basis is less than 90% of the target monthly limit of 5,300 gallons per day. For the Bliss facility sufficient capacity is available if the peak flow as measured on a monthly basis is less than 90% of 14,800

gallons per day. 19,800 gallons per day is the permitted flow less 5,000 gallons per day of reserve capacity.

B. New connections to the community sewage system shall be prohibited if the system is within 10% of the permit limits of non-flow sampling requirements.
C. Connections shall be limited to residential users only, and to properties adjacent to the existing collection system.
D. Only properties that are not able to accommodate a private onsite sewage treatment system will be permitted to connect to the community sewage treatment system. Any property owner requesting a connection to the 201 system must first provide to the City a survey and an analysis from a Minn. R. 7080 (2011) licensed onsite sewage treatment system designer documenting that an onsite sewage treatment system is not feasible for the property under the current Washington County Individual Sewage Treatment System Code.
E. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any portion of the system or appurtenance thereof without first obtaining a written permit from the city or county as may be applicable.
F. 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.
G. All new connections to the system after the effective date of this Ordinance shall have their own septic tank and pump tank. The sharing of septic tanks among neighboring properties is strictly prohibited. If a dwelling currently sharing a septic tank applies for a permit that involves any material improvements that increase the flow, the property owner will be required to install a separate septic tank unless it can be proven that a non-economic hardship exists in which case the property owner may apply to the City Council for an exemption from this requirement.
H. New users connecting to the system shall pay to the city a sewer connection fee in accordance with the current fee schedule set by Ordinance of the City Council. In addition to the connection fee, the new user is responsible for all of the costs associated with hooking up to the community sewage treatment system including but not limited to the septic tank, pumps, wet wells, control panels, sewer laterals, road repair related to the installation of the new equipment and any costs incurred by the City in the use of engineers or other third party consultants.

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 community sewage treatment system.
B. No user shall discharge into the community sewage treatment system 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 an hazard in the treatment system.

C. No user shall discharge into the community sewage treatment system any wastewater having a strength greater than that primarily produced by residential user, defined as having a Biochemical Oxygen Demand (BOD_5) concentration of approximately 200/mg/l and suspended solids concentration of approximately 225 mg/l.

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 the discharge of prohibited wastes by the user, and may collect such assessment as an additional charge for the use of the system 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 a Sewage Treatment Service 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 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 occupant 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. 108 (Governing the 201 Community sewage Treatment System), shall be deemed repealed from and after the effective date of this ordinance.

Passed and adopted by the City Council of the City of Scandia this 19th day of December, 2017.

Christine Maefsky, Mayor

ATTEST:

Neil Soltis, Clerk/Administrator