

CRANE LAKE WATER AND SANITARY DISTRICT
Ordinance No. 1
TABLE OF CONTENTS

ARTICLE I		
DEFINITIONS		1
ARTICLE II		
GENERAL PROVISIONS		7
Section 2.1 <u>Purpose</u>		7
Section 2.2 <u>Standard Methods</u>		7
Section 2.3 <u>Severability</u>		8
Section 2.4 <u>Amendments</u>		8
ARTICLE III		
CREATION; MANAGEMENT		8
Section 3.1 <u>Creation</u>		8
Section 3.2 <u>Management</u>		8
ARTICLE IV		
USE OF PUBLIC SEWERS REQUIRED		8
Section 4.1 <u>Service Connection Required</u>		8
Section 4.2 <u>Failure to Connect</u>		9
ARTICLE V		
ON-SITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT ...		9
Section 5.1 <u>On-site Wastewater Disposal Systems and Private Facilities Unlawful</u> ..		9
Section 5.2 <u>Unavailability of Public Sewers</u>		9
Section 5.3 <u>Construction of On-site Wastewater Disposal Systems</u>		9
Section 5.4 <u>Compliance with County Requirements</u>		9
Section 5.5 <u>Operation and Maintenance of On-site Wastewater Disposal Systems</u> ..		10
Section 5.6 <u>Additional Legal Requirements</u>		10
Section 5.7 <u>Reservation of Powers</u>		10
ARTICLE VI		
PERMITS; LICENSES; APPLICATIONS		10
Section 6.1 <u>Permits Required with respect to Public Sewers</u>		10
Section 6.2 <u>License Required</u>		12
Section 6.3 <u>License Revocation</u>		12
Section 6.4 <u>Additional Information</u>		13
Section 6.5 <u>Disclosure of Information</u>		14
Section 6.6 <u>Rules and Regulations</u>		14
Section 6.7 <u>Fees</u>		14
ARTICLE VII		
BUILDING SEWERS AND SERVICE CONNECTIONS; DESIGN		14

Section 7.1	<u>Location</u>	14
Section 7.2	<u>Building Sewers</u>	14
Section 7.3	<u>Excavations must be Guarded</u>	15
Section 7.4	<u>Rules and Regulations</u>	15
Section 7.5	<u>Sewer Access Charge</u>	15

ARTICLE VIII

USE OF THE PUBLIC SEWERS; WASTEWATER TREATMENT SYSTEM	15
Section 8.1 <u>Unpolluted Water</u>	16
Section 8.2 <u>Septage</u>	16
Section 8.3 <u>Prohibited Substances</u>	16
Section 8.4 <u>Other Discharges</u>	16
Section 8.5 <u>Lower Limitations</u>	18
Section 8.6 <u>Grease, Oil and Sand Interceptors</u>	19
Section 8.7 <u>Pretreatment</u>	19
Section 8.8 <u>Metering and Testing of Waste</u>	19
Section 8.9 <u>Dilution of Discharges</u>	20
Section 8.10 <u>Accidental Discharges</u>	20
Section 8.11 <u>Contracts with Users</u>	21

ARTICLE IX

DAMAGE TO THE SYSTEM; REMEDIES		21
Section 9.1	<u>General</u>	21
Section 9.2	<u>Deposits or Obstructions</u>	21
Section 9.3	<u>Unauthorized Discharges</u>	22
Section 9.4	<u>Emergency Repairs</u>	22
Section 9.5	<u>Charge for District Expenses</u>	22

ARTICLE X

POWER AND AUTHORITY OF INSPECTORS		23
Section 10.1	<u>Right of Entry</u>	23
Section 10.2	<u>Indemnification</u>	23
Section 10.3	<u>Easements</u>	23

ARTICLE XI

SEWER SERVICE CHARGE SYSTEM;		
SEPTAGE SERVICE CHARGE SYSTEM; SEWER SERVICE FUND		23
Section 11.1	<u>Systems Established</u>	23
Section 11.2	<u>Charges</u>	24
Section 11.3	<u>User Classes</u>	25
Section 11.4	<u>Sewer Service Fund Established</u>	25
Section 11.5	<u>Administration of the Sewer Service Fund</u>	25

ARTICLE XII

PUNISHMENTS		26
PENALTIES	26
Section 12.1	<u>Violation Unlawful</u>	26

Section 12.2	<u>Notice</u>	26
Section 12.3	<u>Fines and Penalties</u>	27
Section 12.4	<u>Collection</u>	27
Section 12.5	<u>District Costs Incurred Under Section 4.2</u>	27
Section 12.6	<u>Liability</u>	27
Section 12.7	<u>Enforcement Alternatives</u>	27
Section 12.8	<u>Remedies Cumulative</u>	28

ARTICLE XIII

VALIDITY	28
Section 13.1 <u>Effect</u>	28
Section 13.2 <u>Inconsistency</u>	28

CRANE LAKE WATER AND SANITARY DISTRICT
Ordinance No. 1

AN ORDINANCE CREATING A SEWER UTILITY; REGULATING THE USE
OF PUBLIC AND PRIVATE SEWERS; ESTABLISHING METHODS FOR A
SEWER SERVICE CHARGE SYSTEM AND A SEPTAGE SERVICE CHARGE
SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS OF THE
REGULATIONS HEREIN DEFINED

The Board of Managers (the "Board") of the Crane Lake Water and Sanitary District (the "District")
ordains as follows:

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance
are as hereafter designated:

- Section 1.1 Administration – Those costs attributable to the District's administration of the
Wastewater Treatment System.
- Section 1.2 Authorized Inspector: an inspector authorized by the District to prepare the reports
required by Section 6.2a.ii. of this Ordinance.
- Section 1.3 Base Charge: a flat fee per month per EDU payable by each User year-around, for
all customers.
- Section 1.4 Biochemical Oxygen Demand or BOD – The quantity of oxygen utilized in the
biochemical oxidation of organic matter under standard laboratory procedure in 5
days at 20 degrees Centigrade, expressed in milligrams per liter. It represents the
breakdown of carbonaceous materials as distinct from nitrogenous materials.
- Section 1.5 Board -- The Board of Managers of the District. The Board is the governing body
of the District.
- Section 1.6 Building Drain – That part of the lowest horizontal piping of a drainage system
which receives the discharge from soil, waste, and other drainage pipes inside the
walls of a building and conveys it to the Building Sewer, beginning 5 feet (1.5
meters) outside the inner face of the building wall.
- Section 1.7 Building Sewer – The extension from the Building Drain to the Public Sewer, Private
Sewer, On-site Wastewater Disposal System or other place of disposal; also referred
to as a Service Connection.
- Section 1.8 Clean Water Act -- The Federal Water Pollution Control Act, as amended, 33 U.S.C.
1251 et seq.

- Section 1.9 Combined Sewer – A sewer receiving both surface runoff and Sewage.
- Section 1.10 Commercial User – Any User that is not defined as a Governmental User, Industrial User, Institutional User or Residential User in this Ordinance and which discharges Commercial Wastewater. Each Commercial User will be assigned EDUs based on the characteristics of the Wastewater to be discharged.
- Section 1.11 Commercial Wastewater – Wastewater emanating from a place of business of a Commercial User which is singly, or by interaction with other wastes:
- a. NDSW; or
 - b. exceeds NDSW limitations; or
 - c. exceeds normal residential unit volumes of Wastewater as established by the State.
- Section 1.12 County -- St. Louis County, a body politic and corporate and political subdivision of the State and its successors and assigns.
- Section 1.13 Debt Service Charge – A charge to the Users of Wastewater Treatment System for the purpose of repaying the cost of construction of and capital improvements to the Wastewater Treatment Facilities.
- Section 1.14 District or Sanitary District – The Crane Lake Water and Sanitary District formed and operated pursuant to Minnesota Laws, Chapter 115, Sections 115.18 through 115.37.
- Section 1.15 Equivalent Domestic Unit or EDU: A unit of measurement of Flow and Load that is used for both engineering design purposes and establishing User Charges and Sewer Access Charges which takes into account the costs of treatment processes attributable to Flow, BOD, TSS and other significant Loads expressed in fractional increments of NDSW.
- Section 1.16 Engineer – The Person designated by the Board as the District's engineer(s) or his/her authorized deputy, agent, or representative.
- Section 1.17 Extra Strength Waste – Wastewater exhibiting Loads in excess of 250 milligrams per liter (mg/L) of BOD or 250 mg/L of TSS and not otherwise classified as an Incompatible Waste.
- Section 1.18 Flow - The quantity of Wastewater.
- Section 1.19 Garbage – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce and animal products, including the packaging of such products.

- Section 1.20 Governmental User – Users which are agencies or instrumentalities of federal, State or local government discharging Normal Domestic Strength Wastewater.
- Section 1.21 Incompatible Waste – Waste that either singly or by interaction with other wastes interferes with any Sewage treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the District, creates a public nuisance or creates any hazards in the receiving waters of the Wastewater Treatment System.
- Section 1.22 Industrial User – Any User who produces Industrial Waste and whose discharges, singly or by interaction with other wastes:
- a. contaminate the sludge of the Wastewater Treatment Facilities;
 - b. injure or interfere with the treatment process;
 - c. create a public nuisance or hazard;
 - d. have an adverse effect on the waters receiving Wastewater Treatment Facilities discharges;
 - e. exceed NDSW limitations; or
 - f. exceed normal residential unit volumes of Wastewater as established by the State.
- Section 1.23 Industrial Waste – The liquid, gaseous and solid wastes from industrial manufacturing processes, trade, or business.
- Section 1.24 Industrial Wastewater – The liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, business or Industrial User.
- Section 1.25 Institutional User – Users other than Commercial Users, Governmental Users, Industrial Users or Residential Users, discharging primarily Normal Domestic Strength Wastewater (e.g. non-profit organizations).
- Section 1.26 Infiltration/Inflow or I/I – Water other than Wastewater that enters the Sanitary Sewer from the ground or from surface runoff, as defined in Minnesota Rules.
- Section 1.27 Load – Quantities of Wastewater characteristics such as BOD, TSS, phosphorus or other constituents.
- Section 1.28 MPCA – The Minnesota Pollution Control Agency.
- Section 1.29 National Categorical Pretreatment Standards – Federal regulations establishing Pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities, found at Section 307(b) of the Clean Water Act.
- Section 1.30 National Pollutant Discharge Elimination System Permit or NPDES Permit – A permit issued by the United States Environmental Protection Agency/MPCA setting limits on pollutant strength that a permittee may legally discharge into the waters of

the United States pursuant to the provisions of the Clean Water Act.

- Section 1.31 Natural Outlet – Any outlet, including Storm Sewers and Combined Sewers, which flows into a water course, pond, ditch, lake or other body of surface water or ground water.
- Section 1.32 Non-residential User – A User of the Wastewater Treatment System whose building is not used as a private residence and discharges Normal Domestic Strength Wastewater.
- Section 1.33 Normal Domestic Strength Wastewater or NDSW – Wastewater that is introduced primarily by Users with the following characteristics:
- a. Flows not to exceed 250 gallons per average day in the month of maximum annual discharge;
 - b. Loads do not to exceed 250 milligrams per liter (mg/L) of BOD or 0.42 pounds of BOD per day;
 - c. TSS do not exceed 250 mg/L or 0.42 pounds of TSS per day
- Section 1.34 On-site Wastewater Disposal System; Individual Sewage Treatment System or ISTS – An arrangement of devices or structures for treating or holding domestic or non-domestic Wastewater approved for use by applicable regulations of the State or County.
- Section 1.35 Operation, Maintenance and Replacement Costs or OM&R – Expenditures necessary to provide for the dependable, economical and efficient functioning of the Wastewater Treatment System throughout their design life, including operator training and permit fees and the establishment of reasonable funds to offset depreciation of the Wastewater Treatment System. Replacement refers to obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the Treatment System to maintain the capacity and performance for which such system was designed and constructed, not the cost of future replacement of the entire facility.
- Section 1.36 Permit – Written authorization from the District to perform acts allowed or required by this Ordinance.
- Section 1.37 Person – Any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment System.
- Section 1.38 pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- Section 1.39 Pretreatment – The treatment of Wastewater prior to introduction thereof into the Wastewater Treatment System.
- Section 1.40 Private Sewer or Private Wastewater Disposal System: A privately-owned Wastewater disposal system, including but not limited to a privately-owned On-site Wastewater Disposal System.
- Section 1.41 Properly Shredded Garbage – Garbage and the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the Flow conditions normally prevailing in the Sanitary Sewer, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- Section 1.42 Public Sewer – Any Sewer, metering or pumping facility owned and/or operated by the District.
- Section 1.43 Residential User – A User of the Treatment System whose premises or buildings are used primarily as a seasonal or year-round single-family private residence and which discharges NDSW.
- Section 1.44 Sanitary Sewer – A Public 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.
- Section 1.45 Septage - Wastewater generated by an On-site Wastewater Disposal System, recreational vehicle, mobile home, travel trailer, houseboat or similar accommodation with toilet facilities.
- Section 1.46 Septage Service Charge: The fees and charges established from time to time for operation and maintenance of an On-site Wastewater Disposal System by the District.
- Section 1.47 Septage Service Charge System: The Septage Service Charge system established pursuant to Article XI of this Ordinance.
- Section 1.48 Service Connection – The point at which the Building Sewer meets and is connected to the Sanitary Sewer.
- Section 1.49 Sewage – Wastewater.
- Section 1.50 Sewer – A pipe or conduit that carries Wastewater or drainage water.
- Section 1.51 Sewer Access Charge, Hookup Fee or SAC – The fees and charges established from time to time for access or connection to the Public Sewer.

- Section 1.52 Sewer Service Charge – The total of the User Charge and the Debt Service Charge.
- Section 1.53 Sewer Service Charge System – The Sewer Service Charge System established pursuant to Article XI of this Ordinance.
- Section 1.54 Sewer Fund – The fund of the District created pursuant to Article XIII of this Ordinance.
- Section 1.55 Slug – A discharge of water or Wastewater which in Load or Flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of Flow or Load during normal operation.
- Section 1.56 State – The State of Minnesota, its successors and assigns.
- Section 1.57 State Disposal System Permit or SDS Permit – A permit issued by the MPCA pursuant to Minnesota Statutes Section 115.07 for a disposal system as defined by Minnesota Statutes Section 115.01, subdivision 8.
- Section 1.58 Standard Methods – The latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation.
- Section 1.59 Storm Sewer – A Sewer intended to carry unpolluted surface and subsurface water from any source.
- Section 1.60 Superintendent – The official of the District who is authorized to enforce this Ordinance, or their authorized deputy, agent or representative. If the District has not designated a Superintendent, the functions of the Superintendent will be performed by the Board or a member of the Board designated by the Board or the Board's authorized agent or representative.
- Section 1.61 Suspended Solids (SS) or Total Suspended Solids (TSS) – The total suspended matter that either floats on the surface of, or is suspended in water, Sewage or other liquids, and which are removable by laboratory filtering as prescribed in Standard Methods.
- Section 1.62 Toxic Pollutant – The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Clean Water Act or Chapter 115 of Minnesota Statutes.
- Section 1.63 Unpolluted Water – Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards. An example could be non-contact cooling water.

- Section 1.64 User or Users – Those Residential Users, Non-residential User, Commercial Users, Governmental Users, Institutional Users, and Industrial Users which are connected to the Treatment System.
- Section 1.65 User Charge – A charge to Users of a Wastewater Treatment Facilities or owners of an On-site Wastewater Disposal System, based on Flow and Load, for a User's or owner's proportionate share of OM&R and includes the Base Charge, the Volume Charge and when applicable, the Extra Strength Charge.
- Section 1.66 Volume Charge: A charge per thousand gallons of metered wastewater payable by Users.
- Section 1.67 Wastewater – A combination of the water-carried wastes from the Users, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. The term “Wastewater” also includes “Septage”.)
- Section 1.68 Wastewater Treatment System or Treatment System or Wastewater Treatment Facilities or Treatment Facilities – An arrangement of any land, devices, facilities, structures, equipment, or processes owned or used by the District for the purpose of the transmission, storage, treatment, recycling, and reclamation of Sewage, or Industrial Wastewater, or structures necessary to recycle or reuse water including interceptor Sewers and the disposal of residues resulting from such treatment. Outfall Sewers, collection Sewers, metering, pumping, power, and other equipment and their appurtenances; extension, 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.
- Section 1.69 Watercourse – A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II GENERAL PROVISIONS

- Section 2.1 Purpose. The purpose of this Ordinance is to require and regulate the use of the Public Sewer and On-site Wastewater Disposal Systems within the District.
- Section 2.2 Standard Methods. All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this Ordinance must be determined in accordance with the provisions set out in latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation (“Standard Methods”). Sampling methods, location, times,

duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent and Engineer.

Section 2.3 Severability. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity will not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 2.4 Amendments. This Ordinance cannot be amended except by further ordinance of the District.

ARTICLE III CREATION; MANAGEMENT

Section 3.1 Creation. There is hereby created a Sewer utility within the District.

Section 3.2 Management. The Sewer utility created herein will be managed by the Board. The Board has control and general supervision of all Public Sewers, Service Connections and On-site Wastewater Disposal Systems in the District and is responsible for administering the provisions of this Ordinance to ensure that a proper and efficient Public Sewer and On-site Wastewater Disposal Systems are maintained.

ARTICLE IV USE OF PUBLIC SEWERS REQUIRED

Section 4.1 Service Connection Required.

- a. When and whenever the Public Sewer becomes available to a property served by an On-site Wastewater Disposal System, use of the On-site Wastewater Disposal System must be discontinued, and a Service Connection must be made to the Sanitary Sewer on or before the date set forth in a written notification of Public Sewer availability from the District and any septic tanks, cesspools, and similar On-site Wastewater Disposal Systems must be abandoned and removed, or cleaned and filled with clean bank-run gravel.
- b. The abandonment of an On-site Wastewater Disposal System must be in accord with current requirements of the County, the MPCA and all other regulatory agencies at the property owner's sole expense, unless such On-site Wastewater Disposal System is legally incorporated into the design of the Treatment System.
- c. For purposes of this Ordinance, a Public Sewer will be considered available or adjacent to a property if the Public Sewer is located within three hundred (300) feet of any property line of the property to be served. Notwithstanding the foregoing, the

Board in its sole discretion may determine that due to unusual physical characteristics, a Public Sewer is not available or adjacent to a property to which Public Sewer is otherwise available or adjacent under the terms of this ordinance.

Section 4.2 Failure to Connect.

- a. In the event an owner fails to connect to the Public Sewer and to terminate an On-site Wastewater Disposal System in compliance with a notice given under this Ordinance, the District may have said work done and may charge the User/owner the cost of the Service Connection and may collect such amounts in the manner set forth in Article XIV.
- b. Costs for such Service Connection made by the District upon a User's/owner's failure to connect will include the actual cost of connection, the cost of abandonment of the On-site Wastewater Disposal System and a Sewer Access Charge, or similar fees and charges, as defined in the Sewer Service Charge System.

ARTICLE V

ON-SITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT

- Section 5.1 On-site Wastewater Disposal Systems and Private Facilities Unlawful. Except as provided hereinafter, it is unlawful to construct or maintain any On-site Wastewater Disposal System or other private facility intended or used for the disposal of Wastewater.
- Section 5.2 Unavailability of Public Sewers. Where a Public Sewer is not available, as determined by the Board, the Building Drain must be connected to an On-site Wastewater Disposal System complying with the requirements of the County, the MPCA, the District and all other regulatory agencies.
- Section 5.3 Construction of On-site Wastewater Disposal Systems. Before commencement of construction of an On-site Wastewater Disposal System the owner must first obtain a written Permit from the County and file such Permit with the District.
- Section 5.4 Compliance with County Requirements. The type, capacities, location and layout of an On-site Wastewater Disposal System must comply with all requirements of the ordinances and regulations of the County and the District. No On-site Wastewater Disposal System is permitted to discharge into any Natural Outlet.
- Section 5.5 Operation and Maintenance of On-site Wastewater Disposal Systems. The owner of an On-site Wastewater Disposal System must operate and maintain the On-site Wastewater Disposal System in a manner which complies with applicable State and County regulation at all times and at no expense to the District, other than expenses payable by the District pursuant to a contract with the owner of the On-site Wastewater Disposal System or this Ordinance.

Section 5.6 Additional Legal Requirements. No statement contained in this Article may be construed to interfere with any additional requirements that may be imposed by the MPCA, the County, the State Department of Health or other responsible federal, State, or local agencies.

Section 5.7 Reservation of Powers. The District reserves the right to maintain and operate On-site Wastewater Disposal Systems pursuant to a contract with the owner or owners of such systems or pursuant to this Ordinance or otherwise in accordance with law.

ARTICLE VI PERMITS; LICENSES; APPLICATIONS

Section 6.1 Permits Required with respect to Public Sewers.

- a. Except for District employees or agents acting in the course of employment, no Person(s) may make any alterations to the Public Sewer or any appurtenances thereof or any connection thereto without first:
 - i. obtaining a written Permit from the District in accordance with any rules and regulations promulgated by the District pursuant to the provisions of this Ordinance; and
 - ii. submission to the District of a report, in form and substance satisfactory to the District and prepared by an Authorized Inspector which indicates that no I/I or Unpolluted Water will be discharged into the Public Sewer or Wastewater Treatment Facilities as a result of the Service Connection for which the Permit is sought.
- b. There will be two classes of Service Connection Permits:
 - i. for Users discharging Normal Domestic Strength Wastewater to Sanitary Sewers; and
 - ii. for Users discharging non-Normal Domestic Strength Wastewater to Sanitary Sewers.
- c. No Person(s) may make, construct or install any On-site Wastewater Disposal System or any appurtenances thereof or any connection thereto without first obtaining written Permits from the District and County.
- d. The owner or their agent must make application for a Permit on a special form furnished by the District. The application must be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent or necessary to comply with any rules or regulations of the Board.

- e. A Permit and inspection fee will be established by the District to defray inspection, administrative and other costs. The fee must be paid to the District at the time the application is filed.
- f. All costs and expenses incidental to the installation of the Service Connection or the ISTS must be borne by the owner. The owner must indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer or the ISTS.
- g. No Service Connection Permit will be issued unless the Superintendent first determines that:
 - i. all District and Wastewater Treatment Facilities have sufficient capacity to accommodate the Flow and Load to be discharged as a result of the Service Connection;
 - ii. the design specifications for the Service Connection, including any meters and pumps, are compatible with the Treatment Facilities
 - iii. the report required by Subsection a. of this Section has been submitted to the District; and
 - iv. that the design and construction of the Service Connection complies in all respects with the provisions of this Ordinance and any rules and regulations promulgated by the Board.
- h. No Permit will be issued with respect to any property, the use of which is not in compliance with the requirements of any applicable land use and zoning regulations. In making the determination as to whether the property proposed to be served is in compliance with the requirements of any applicable land use and zoning regulations, the District may rely solely on representations and certifications made by the local unit of government in which the property proposed to be served is located.
- i. The applicant for the Permit must notify the Superintendent when the Building Sewer is ready for final inspection and installation of the Service Connection or ISTS is ready for inspection. The area to be inspected must be open for inspection and backfilling must not have commenced. All connections to the Public Sewer must be made under the supervision of the Superintendent or the Engineer.
- j. Extensions of the Public Sewer will require an MPCA permit.
- k. The Board may promulgate rules and regulations as to the manner in which permits will be issued. The rules and regulations must be placed on file in the general office of the District and will be effective upon such filing.

Section 6.2 License Required.

- a. An appropriate construction license is required to install a Service Connection or an ISTS. Any Person desiring a license must apply in writing to the District, providing satisfactory evidence of the applicant's qualifications. If approved by the Board, the license will be issued by the District upon the filing of a bond as hereinafter provided.
- b. In order to assure proper installation and performance, a license to install a Service Connection or an ISTS will not be issued until a performance bond in favor of the District in an amount equal to the estimated cost of the installation of the Service Connection is filed and approved by the District. The licensee will be required to indemnify the District and the property owner from all suits, accidents and damage that may arise by reason of any opening in any street, road, private road, alley or public ground, made by the licensee, by those in the licensee's employment, or those contracted by the licensee. The licensee will also be required to show proof of insurance coverage in form and substance satisfactory to the District with liability coverage in an amount equal to the limits set forth in Minnesota Statutes, Chapter 466, as amended from time to time.
- c. The cost of a license for making Service Connections or installing an ISTS will be established by the District by separate ordinance.
- d. All licenses will expire on December 31 of each calendar year unless the license is extended, suspended or revoked by the District for any reasonable cause.
- e. The Board may promulgate rules and regulations as to the manner in which licenses will be granted. The rules and regulations must be placed on file in the general office of the District and will be effective upon such filing.

Section 6.3 License Revocation. The District 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 as determined by the Board.
- c. Willful violation of any provisions of this Ordinance or any rule or regulation pertaining to the making of Service Connections or installation of On-site Wastewater Disposal Systems.
- d. Failure to adequately protect and indemnify the District and the property owner.
- e. Failure to complete work promptly.

- f. Failure to complete work that passes inspection.

Section 6.4 Additional Information. The Superintendent may require a User and a Person applying for Sewer service to provide information needed to determine compliance with this Ordinance. These requirements include, but are not limited to:

- a. Wastewater peak Flow and volume over a specified period of time;
- b. chemical analysis of Wastewater;
- c. information on raw materials, processes and products affecting Wastewater Flow and Load;
- d. quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to Sewer use control;
- e. a plot plan of the User's property showing Sewer and Pretreatment facility or Flow equalizing facility location;
- f. details of Wastewater Pretreatment or Flow equalizing facilities;
- g. details of systems to prevent and control the losses of materials through spills to the Public Sewer;
- h. copy of any related building permit;
- i. zoning compliance letter;
- j. project description;
- k. plat; and
- h. access to User's premises so that the District personnel carry out sampling, monitoring and measurement of User's discharges.

Section 6.5 Disclosure of Information. Industrial Users are required to provide information concerning industrial processes that have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. Nonetheless, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious impacts on the treatment process.

Section 6.6 Rules and Regulations. The Board may promulgate rules and regulations as to the manner in which Service Connections must be made. The rules and regulations must be placed on file in the general office of the District and will be effective upon such

filing.

- Section 6.7 Fees. The District will establish a schedule of license and permit fees to defray inspection, administrative and other costs incurred in performance of its obligations and duties under this Article. Any license, permit or inspection fee must be paid to the District at the time the application is filed with the District.

ARTICLE VII BUILDING SEWERS AND SERVICE CONNECTIONS; DESIGN

- Section 7.1 Location. All Sewer extensions must be located in public streets, alleys or easements, and, when completed and approved, must become the property of the District.

Section 7.2 Building Sewers.

- a. A separate and independent Building Sewer must be provided for each building with running water; provided that the Board may waive strict compliance with the foregoing requirement on a case by case basis. Existing Building Sewers may be used to serve new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
- b. The size, slope, alignment, and materials of construction of a Building Sewer; the methods to be used in excavating, placing of the pipe, testing, and backfilling the trench; and each Service Connection must conform to the requirements of the State Building and Plumbing Code, applicable rules and regulations of the District and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9. All Service Connections must be made gas and watertight and must be verified by proper testing to prevent Infiltration/Inflow. Any deviation from these prescribed procedures and materials must be approved by the District before installation.
- c. Whenever possible, the Building Sewer must be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Wastewater must be lifted by an approved means (which may not be inside the building) and discharged to the Building Sewer or Sanitary Sewer.
- d. No Unpolluted Water sources may be connected to the Sanitary Sewer.
- e. No private Building Drain may extend beyond the limits of the building or property for which the Permit has been given.
- f. Any new connection to the Public Sewer is prohibited unless sufficient capacity is

available in all downstream facilities including, but not limited to, capacity for Flow, BOD and TSS as determined by the Superintendent.

- g. The installation and operation of any Garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater is subject to the review and approval of the Superintendent, or his/her authorized representative.
- h. All Building Sewers, Service Connections, meters, pumps and other equipment must conform to specifications established by the District from time to time. Installation of a Building Sewer, Service Connection, meter, pump or other equipment which does not comply with the requirements of the District will be a violation of this Ordinance. The District reserves the right to discontinue service to a property served by a Building Sewer, Service Connection, meter, pump or other equipment which does not comply with the requirements of the District.

Section 7.3 Excavations must be Guarded. All excavations must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work must be restored to as good or better condition than before work commenced and in a manner satisfactory to the Superintendent.

Section 7.4 Rules and Regulations. The District may, by resolution, adopt reasonable rules and regulations relating to Sewer construction, use, maintenance, discharges, and deposit or disposal of all Wastewater, both directly or indirectly, within the District. Such resolution may adopt rules and regulations by reference.

Section 7.5 Sewer Access Charge. There must be paid to the District a Sewer Access Charge prior to any connection made to the Public Sewer. The amount of the Sewer Access Charge will be set by resolution or ordinance of the Board at the annual rate review hearing established by this Ordinance.

ARTICLE VIII USE OF THE PUBLIC SEWERS; WASTEWATER TREATMENT SYSTEM

Section 8.1 Unpolluted Water. No Unpolluted Water such as storm water, ground water, roof runoff, surface drainage, cooling water, etc. may be discharged to the Sanitary Sewer. Such water must be discharged only to Storm Sewers or to Natural Outlets approved by the District and other regulatory agencies. Industrial cooling water may be discharged, on approval of the Engineer, to a Storm Sewer or Natural Outlet, subject to approval and the issuance of a NPDES Permit.

Section 8.2 Septage. Septage may only be discharged or deposited into the Sanitary Sewer at locations specifically designated by the District.

Section 8.3 Prohibited Substances. No Person may discharge or cause to be discharged any of

the following described substances in or to the Public Sewer:

- 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 Treatment Facilities or to the operation of the Treatment Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naptha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- b. Any substance which either singly or by interaction with other waste will injure or interfere with any Sewage treatment process or the Wastewater Treatment Facilities, constitute a hazard to humans or animals in spite of treatment, create a public nuisance, or create any hazard in the receiving waters of the Treatment System, including but not limited to cyanides in excess of Federal and State requirements.
- c. Solid or viscous substances which may, either singly or by interaction with other wastes, cause obstruction to the Flow in a Public Sewer, or other interference with the proper operation of the Treatment System such as, but not limited to, bone, fish heads, fish scales, fish entrails, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, sanitary napkins, feathers, tar, plastics, wood, Garbage which is not Properly Shredded Garbage, whole blood, paunch manure, hair and fletching, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.
- d. Wastewater or other substance having a pH lower than 5.0 or higher than 9.5, or having any other corrosive or caustic property capable of causing damage or hazard.
- e. Wastewater containing Toxic Pollutants.

Section 8.4 Other Discharges. No Person may discharge or cause to be discharged the following described substance, materials, waters or wastes if it appears likely in the opinion of the Engineer and/or Superintendent that such wastes can harm either the Sewers, Sewage treatment process, or Wastewater Treatment System, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Engineer and/or Superintendent will give consideration to such factors as the District's NPDES Permit, the quantities of subject wastes in relation to the Flow and velocities in the Sewers, materials and construction of the Sewers, nature of the treatment process, capacity of the Treatment System, degree of treatability of the Wastewater, and other factors deemed pertinent. The substances prohibited are:

- a. Any Wastewater that would directly or indirectly result in a violation of the District's NPDES Permit.

- b. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C), or causing, individually or in combination with other Wastewater, the influent at the Treatment Facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the Treatment Facilities.
- c. Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 – 65 degrees C).
- d. Any Garbage that is not Properly Shredded Garbage.
- e. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- f. Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCB's, and similar toxic or objectionable substances to such degree that any such material received in the composite Sewage at the Treatment System exceeds the limits established by the MPCA for such materials.
- g. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite Sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- h. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent, in compliance with applicable State and Federal regulations.
- i. Materials which contain or cause, whether alone or by interaction with other substances, release of noxious gasses or form 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) that would interfere with the Treatment System or create a condition deleterious to or cause disruption to the Wastewater Treatment System and processes.
- j. Materials which contain or cause excessive discoloration which cannot be removed in the treatment process (such as, but not limited to, dye wastes and vegetable tanning solution).
- k. Unusual BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant Load on the Treatment System, except by Permit or agreement.
- l. Unusual volume of Flow or concentration of wastes constituting Slugs.

- m. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are amenable to treatment only to such degree that the Treatment System effluent cannot meet the requirements or cause a violation of the regulations of the agencies having jurisdiction over discharge to the receiving waters or are amenable to treatment only by the application of extraordinary processes.
- n. Wastewater with BOD or suspended solids levels greater than that defined as Normal Domestic Strength Waste, except as may be permitted by specific written agreement with the District subject to Section 8.11.
- o. Wastewater having a concentration of more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
- p. Wastewater containing substances which cannot be treated to produce effluent quality causing a violation of any applicable local, State, or federal regulation.
- q. Noxious or malodorous liquids, gases, or solids.
- r. Water or waste containing substances which are not amenable to treatment or reduction by the Wastewater treatment processes employed or are amenable to treatment only to such degree that the Wastewater Treatment Facilities effluent cannot meet the requirements of the NPDES Permit issued to the District or are amenable to treatment only by the application of extraordinary processes.

Section 8.5 Lower Limitations. The Superintendent may set limitations lower than the prohibition limits outlined in Section 8.4 above. Consideration will be given to such factors as the quantity of waste in relation to Flows and velocities, materials of construction, the District's NPDES Permit, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

Section 8.6 Grease, Oil and Sand Interceptors.

- a. Grease, oil and sand interceptors (sometimes called traps) must be provided at the owner's expense when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors must be of a type and capacity approved by the Superintendent and/or the Engineer and must be readily and easily accessible for cleaning and inspection. The owner will be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and must maintain a record of dates and means of disposal which are subject to review by the District.
- b. Any material removal and hauling must be performed by the property owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Section 8.7 Pretreatment. Where Pretreatment or Flow equalizing facilities are provided or required for any water or waste, plans, specifications and any other pertinent information relating thereto must be submitted for approval of the District. No construction of such facilities may be commenced until approval in writing is granted by the District. Where such facilities are provided, they must be maintained continuously in satisfactory and effective operating order by the owner at their expense and will be subject to periodic inspection by the District to determine that such facilities are being operated in conformance with the applicable federal, State and local laws, regulations and permits. The owner must maintain operating records and must submit to the District a monthly summary report of the character of the influent and effluent to show the performance of the Pretreatment facilities and for comparison against District monitoring records.

Section 8.8 Metering and Testing of Waste.

- a. A meter will be required for all Users for the purpose of measuring the volume of the User's Wastewater Flow discharged into the Public Sewer. The District will own, supply, install and maintain meters. The cost of the meter and its installation will be included in the Hookup Fee set by the District by resolution or ordinance from time to time. Each meter must be accessible to the District at all times.
- b. Where required by the Engineer and/or Superintendent, Industrial Users must install and maintain, at their own expense, a suitable structure(s) or control manhole(s) with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of Wastewater. The manhole will be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the Superintendent. The manhole must be installed by the owner at his/her expense, and must be maintained by him so as to be safe for use at all times.
- c. The District may require submission of laboratory analyses to illustrate compliance with this Ordinance and any special conditions for discharge established by the District or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this Ordinance must be determined in accordance with the latest edition of Standard Methods. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis by the District. The Industrial User must supply a complete analysis of the constituents of the Wastewater discharge to assure that compliance with Federal, State and local standards are being met. The Industrial User must report the results of measurements and laboratory analyses to the District as such times and in such manner as prescribed by the District. The Industrial User must bear the expense of all measurements, analyses, and reporting required by the District. At such times as deemed necessary, the District reserves the right to take its own measurements and samples for analysis by an independent laboratory.

- d. The District, in its sole discretion may require Non-residential Users and Commercial Users to install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of Wastewater as provided in Section 8.8.
- e. Where required by the District, water meters must be installed on a User's water supply lines to facilitate measurement of Wastewater generated. The District will own, supply, install and maintain meters. The District will set a fee by resolution or ordinance to cover the costs of installation, maintenance, meter readings, etc. The meters must be accessible to the District at all times.

Section 8.9 Dilution of Discharges. No User may 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 this Article, the National Categorical Pretreatment Standards and any State or local requirement.

Section 8.10 Accidental Discharges.

- a. Where required by the District, Users must provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owner's expense. Detailed plans and operating procedures of said facilities must be submitted to the Superintendent for review and approval prior to construction of the facility. Approval of such plans and operating procedures will not relieve User from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.
- b. Users must notify the District immediately if a Slug or accidental discharge of Wastewater occurs in violation of this Ordinance. Notification will allow measures to be taken to minimize damage to the Treatment Facilities. Notification will not relieve Users of liability for any expense, loss or damage to the Treatment Facilities, or for fines imposed on the community by any State or federal agency as a result of their actions.
- c. A notice must be permanently posted on the Industrial User's bulletin board or other prominent place, advising employees of the emergency notification procedure in the event of a Slug or accidental discharge.

Section 8.11 Contracts with Users. No statement contained in this Article will prevent any special agreement or arrangement between the District and any Non-residential User, Commercial User or Industrial User. Industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor and further subject to adequate pretreatment by the Industrial User, providing that National Categorical Pretreatment Standards and NPDES Permit and SDS Permit

limitations are not violated, and that payment for the OM&R is in proportion to the Industrial User's contribution of Load to the Treatment System, in accordance with the provisions of this Ordinance.

ARTICLE IX DAMAGE TO THE SYSTEM; REMEDIES

Section 9.1 General.

- a. No Person may maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Treatment System.
- b. It is unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under jurisdiction of the District, any human or animal excrement, or other objectionable waste.
- c. It is unlawful to discharge to any Natural Outlet or Watercourse within the District or in any area within the jurisdiction of the District, any Sewage or other polluted waters except where suitable treatment as defined by State and Federal Regulation and/or in accordance with the District's NPDES Permit has been provided in accordance with the provisions of this Ordinance.
- d. Any Person violating a provision of this Section is subject to immediate arrest and will be prosecuted to the full extent of the law.

Section 9.2 Deposits or Obstructions.

- a. No Person may permit any substance or matter that may form a deposit or obstruction of Flow to be discharged into the Public Sewer. Whenever any Service Connection becomes clogged, obstructed, detrimental to the use of the Public Sewer, or unfit for the purpose of drainage, the owner must make repairs as directed by the District.
- b. If within 48 hours after receiving written notice from the District the property owner has not commenced repairs, the District may have said work done and may collect such amounts in the manner set forth in Article XIV.

Section 9.3 Unauthorized Discharges.

- a. In the event of discharges or proposed discharges to the Public Sewers that contain substances or possess characteristics prohibited in this Ordinance or which in the judgement of the Superintendent and/or Engineer may have a deleterious effect on the Treatment Facilities, processes, equipment, receiving waters, soils, vegetation,

or which create a hazard or nuisance, the Engineer and/or Superintendent may:

- i. Refuse to accept the wastes.
 - ii. Require Pretreatment to an acceptable condition for discharge to the Public Sewers, pursuant to Section 307(b) of the Clean Water Act and all addenda thereof.
 - iii. Require control over the quantities and rates of discharge.
 - iv. Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or Sewer Access Charges or Sewer Service Charges.
- b. If the Engineer and/or Superintendent permits the Pretreatment or equalization of Flow, the design and installation of the plants and equipment is subject to review and approval by the District and subject to the requirements of all applicable Federal and State codes, ordinances, and the National Categorical Pretreatment Standards.

Section 9.4 Emergency Repairs. Notwithstanding anything in this Ordinance to the contrary, in the event of damage to Sewers or the Treatment Facilities which disrupts other Users, the District may without notice repair such damage.

Section 9.5 Charge for District Expenses. In addition to penalties that may be imposed for violation of any provision of this Ordinance, the District may charge the User/owner the cost of repairing or restoring Sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect such amounts in the manner set forth in Article XIV.

ARTICLE X POWER AND AUTHORITY OF INSPECTORS

Section 10.1 Right of Entry. The Engineer and/or Superintendent and other duly authorized employees or agents or other authorized representative(s) of the District bearing proper credentials and identification must be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance. Notwithstanding the foregoing, the Superintendent or his/her representatives has no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industrial processes considered the property of the Industrial User beyond that point having a direct bearing on the kind and source of discharge to the Sewers or waterways or the Treatment System.

Section 10.2 Indemnification. While performing work on private property as authorized by this Ordinance, the Engineer, Superintendent, or duly authorized employees of the

District must observe all safety rules applicable to the premises and the owner will be held harmless for injury or death to the District employee. The District will indemnify the owner against loss or damage claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence of the owner or the failure of the owner to maintain safe conditions as required under this Ordinance.

Section 10.3 Easements. The Superintendent and other duly authorized employee(s) or agent(s) or other authorized representative(s) of the District, bearing proper credentials and identification, must be permitted to enter all properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, repair and maintenance of any portion of the Treatment Facilities lying within said easement. All entry and subsequent work, if any, on said easement will be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE XI
SEWER SERVICE CHARGE SYSTEM;
SEPTAGE SERVICE CHARGE SYSTEM; SEWER SERVICE FUND

Section 11.1 Systems Established.

- a. The District hereby establishes a Sewer Service Charge System.
 - i. All revenue collected from Users of the Wastewater Treatment Facilities located within the District will be used for annual operation, maintenance, replacement and capital costs.
 - ii. Unless otherwise provided in a written agreement with the District, each User must pay a proportionate share of OM&R based on the number of EDUs assigned to such User.
 - iii. Each User may also be required to pay a Debt Service Charge to retire local capital costs as recommended by the District.
- b. The District hereby establishes a Septage Service Charge System.
 - i. All revenue collected from owners of On-site Wastewater Disposal Systems located within the District will be used to offset the costs of the District incurred with respect to its operation and maintenance of such systems.
 - ii. The capital cost of an On-site Wastewater Disposal System must be borne by the owner thereof.
 - iii. Unless otherwise provided in a written agreement with the District, each

owner must pay a proportionate share of operation and maintenance costs based on the owner's proportionate contribution to the operation and maintenance of the On-site Wastewater Disposal Systems by the District; provided that the District may establish a flat rate or system of rates applicable to its services provided to or with respect to On-site Wastewater Disposal Systems.

- iv. The District, in its sole discretion may establish a separate system of rates and charges for extraordinary maintenance costs of an On-site Wastewater Disposal System.

Section 11.2 Charges.

- a. Unless otherwise provided in a written agreement with the District, charges to Users of the Wastewater Treatment Facilities will be determined and fixed in a Sewer Service Charge System (SSCS) and a Septage Service Charge System developed by the District according to the provisions of this Ordinance. Subsequent changes in the Sewer and Septage service rates and charges will be adopted by the District by ordinance or resolution.
- b. The Sewer Service Charges established in this Ordinance will not prevent either the assessment of additional charges to Users who discharge Extra Strength Waste or wastes of unusual character, or contractual agreements with such Users, as long as the following conditions are met:
 - i. No User is charged at a rate less than that of NDSW.
 - ii. The User pays OM&R in accordance with the User's assigned EDUs.
 - iii. The measurements of such wastes are conducted according to the latest edition of Standard Methods in a manner acceptable to the Board as provided for in this Ordinance.
 - iv. The District's NPDES Permit and Sewer use regulations are not violated.
 - v. Any additional costs caused by discharges to the Treatment Facilities of Toxic Pollutants or other Incompatible Wastes, including the cost of restoring the Wastewater Treatment Facilities and/or related services, clean up and restoration of the receiving waters and environs, fines or penalties levied by regulatory agencies, and sludge disposal, must be borne by the discharger(s) of said wastes, at no expense to the District.

Section 11.3 User Classes.

- a. Users of the Wastewater Treatment Facilities will be assigned an EDU value in a

separate ordinance.

- b. The allocation of EDUs to Users or User classes for the purpose of assessing User Charges and Debt Service Charges will be the responsibility of the Superintendent.
- c. Allocation of EDUs to Users or User classes will be based on the substantive intent of the definitions contained herein or in a separate ordinance.
- d. Industrial Users who discharge NDSW only, can be classified as Commercial Users for the purpose of rate determination.
- e. The following charges are identified and may be imposed for the use and/or availability of the Public Sewers:
 - i. Debt Service Charge;
 - ii. Sewer Access Charge; and
 - iii. User Charge.

Section 11.4 Sewer Service Fund Established. The District hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and the Septage Service Charge System and all other income dedicated to the Wastewater Treatment Facilities.

Section 11.5 Administration of the Sewer Service Fund.

- b. The Sewer Service Fund will be held and administered by the District and must be separate and apart from all other accounts of the District. Revenue received in the Sewer Service Fund may be transferred to the following accounts established as income and expenditure accounts:
 - i. Operation and Maintenance
 - ii. Equipment Replacement
 - iii. Debt Retirement for the Treatment Facilities.
- c. The District will maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement (OM&R) and debt retirement costs of the Treatment Facilities.
- d. The Board will determine annually whether sufficient revenue is being generated for the effective management of the Treatment Facilities and debt retirement. The Board will also determine whether the User Charges and Septage Service Charges are distributed proportionately. If necessary, the District will revise the SSCS and the Septage Service Charge System to insure proportionality of User Charges and

sufficient funds for operation and maintenance of the Treatment Facilities and the On-site Wastewater Disposal Systems by the District and to retire any District indebtedness.

- e. Sewer Service Charges and Septage Service Charges will be billed by the District not less frequently than quarterly. The District reserves the right to bill high volume and Non-residential Users on a monthly basis, or to convert the billing period for high volume and Non-residential Users from quarterly to monthly. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the User will be notified regarding the delinquent bill and subsequent penalty. Collection action will be taken and the penalty for delinquent payment will be the maximum rate allowed by law.

ARTICLE XII PENALTIES

Section 12.1 Violation Unlawful. It is unlawful for any Person to violate any provision or to fail to comply with any of the requirements of this Ordinance.

Section 12.2 Notice. Any Person violating or found to have violated any provision of this Ordinance, except as set forth in this Article, is guilty of a misdemeanor and will be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender must permanently cease all violations within the period of time stated in such notice, or the offender will be charged with a misdemeanor.

Section 12.3 Fines and Penalties.

- a. Any Person who continues any violation beyond the time limit provided for in Section 12.2 will be fined an amount not exceeding \$1,000, or such greater amount as may be permitted by State law, for each violation and/or charged with a misdemeanor and must upon conviction be subjected to a fine and/or imprisonment in an amount and/or for a term not to exceed the maximums allowed by State law. In either case, the costs of prosecution as permitted by Minnesota Statutes, Rule of Court for the District Courts of Minnesota, and the Minnesota Rules of Criminal Procedure will also be imposed.
- b. Each act of violation and every day on which any such violation continues beyond the time limit provided for in Section 12.2 is a separate offense.

Section 12.4 Collection.

- a. To collect delinquent Sewer Service Charges or Septage Service Charges, the District may file a civil action suit or may levy a lien against the violator's property. Related attorneys fees may also be collected or levied.

- b. In the event the District charges a User/owner for the cost of any work permitted under this Ordinance, and such amounts are not immediately paid by the User/owner, the District will certify unpaid penalties and charges and related expenses including attorney fees, to the County auditor with taxes against the property served, for collection as other taxes are collected.
- c. A violator will be liable for interest on all unpaid balances at a rate of 1.5 percent monthly, or 18 percent annually.

Section 12.5 District Costs Incurred Under Section 4.2. In the event the District incurs costs under the provisions of Section 4.2 of this Ordinance, the District will assess the cost thereof against the benefitted property. Such assessment, when levied, will bear interest to the rate determined by the Board and will be certified to the Auditor of the County and collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District are in addition to any penalties or remedial or enforcement provisions of this Ordinance.

Section 12.6 Liability. Any Person violating any of the provisions of this Ordinance will become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

Section 12.7 Enforcement Alternatives. Notwithstanding any provision in this Ordinance to the contrary, the District may use any remedy or alternative available in law or statute in the enforcement of this Ordinance, including exercise of the District's power of eminent domain, criminal or civil actions and the enforcement of the Hazardous and Substandard Buildings Act, Minnesota Statutes, Sections 463.15 through 463.261, which is incorporated by reference as though fully set forth herein.

Section 12.8 Remedies Cumulative. Any remedies or penalties provided in this Ordinance are cumulative and in addition to any other remedies, either in law or equity, that may be available to the District.

ARTICLE XIII VALIDITY

Section 13.1 Effect. This Ordinance is in full force and effect from and after its passage and publication as provided by law.

Section 13.2 Inconsistency. 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.

Adopted by the Board of Managers of the Crane Lake Water and Sanitary District, State of Minnesota, on the 17th day of September, 2003. Amended on December 1, 2004.


Chair

Attest:


Secretary

M:\docs\13427\000004\ORD\H00085.WPD