

**TOWN OF ALBORN**  
**ORDINANCE NO. 11-05-07**

ARTICLE I - DEFINITIONS .....	3
ARTICLE II GENERAL PROVISIONS .....	9
Section 2.1 Purpose.....	9
Section 2.2 Standard Methods .....	9
Section 2.3 Severability .....	9
Section 2.4 Amendments .....	9
ARTICLE III CREATION; MANAGEMENT .....	9
Section 3.1 Creation.....	9
Section 3.2 Management.....	9
Section 3.3 Committees .....	9
ARTICLE IV USE OF PUBLIC SEWERS REQUIRED.....	10
Section 4.1 Service Connection Required .....	10
Section 4.2 Failure to Connect.....	11
ARTICLE V ONSITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT .....	11
Section 5.1 Onsite Wastewater Disposal Systems and Private Facilities Unlawful .....	11
Section 5.2 Unavailability of Public Sewers.....	11
Section 5.3 Compliance with County Requirements .....	11
Section 5.4 Operation and Maintenance of Onsite Wastewater Disposal Systems .....	11
Section 5.5 Additional Legal Requirements .....	11
Section 5.6 Reservation of Powers .....	11
ARTICLE VI PERMITS; LICENSES; APPLICATIONS; VARIANCES .....	12
Section 6.1 Permits Required with respect to Public Sewers .....	12
Section 6.2 License Required .....	13
Section 6.3 License Revocation .....	14
Section 6.4 Additional Information .....	14
Section 6.5 Rules and Regulations.....	15
Section 6.6 Fees .....	15
Section 6.7 Easement.....	15
Section 6.8 Variances.....	15
Section 7.1 Location .....	16
Section 7.2 Building Sewers .....	16
Section 7.3 Excavations must be Guarded.....	17
Section 7.4 Rules and Regulations.....	17
Section 7.5 Sewer Access Charge.....	17
ARTICLE VIII USE OF THE PUBLIC SEWERS; WASTEWATER TREATMENT SYSTEM .....	18

Section 8.1	Unpolluted Water.....	18
Section 8.2	Septage.....	18
Section 8.3	Prohibited Substances .....	18
Section 8.4	Other Discharges.....	19
Section 8.5	Lower Limitations.....	20
Section 8.6	Grease, Oil and Sand Interceptors .....	20
Section 8.7	Metering and Testing of Waste.....	21
Section 8.8	Dilution of Discharges .....	21
Section 8.9	Accidental Discharges .....	21
Section 8.10	Contracts with Users .....	21
<b>ARTICLE IX DAMAGE TO THE SYSTEM; REMEDIES .....</b>		<b>21</b>
Section 9.1	General.....	21
Section 9.2	Deposits or Obstructions.....	22
Section 9.3	Unauthorized Discharges .....	22
Section 9.4	Emergency Repairs .....	22
Section 9.5	Charge for Town Expenses .....	23
<b>ARTICLE X POWER AND AUTHORITY OF INSPECTORS.....</b>		<b>23</b>
Section 10.1	Right of Entry .....	23
Section 10.2	Indemnification.....	23
Section 10.3	Easements .....	23
<b>ARTICLE XI SEWER SERVICE CHARGE SYSTEM; SEPTAGE SERVICE CHARGE SYSTEM; SEWER SERVICE FUND .....</b>		<b>23</b>
Section 11.1	Systems Established.....	23
Section 11.2	Charges .....	24
Section 11.3	User Classes .....	25
Section 11.4	Sewer Service Fund Established.....	25
Section 11.5	Administration of the Sewer Service Fund.....	25
<b>ARTICLE XII PENALTIES.....</b>		<b>26</b>
Section 12.1	Violation Unlawful .....	26
Section 12.2	Notice.....	26
Section 12.3	Hearing.....	26
Section 12.4	Fines and Penalties.....	27
Section 12.5	Collection.....	27
Section 12.6	Town Costs Incurred Under Section 4.2.....	27
Section 12.7	Liability.....	28
Section 12.8	Enforcement Alternatives .....	28
Section 12.9	Remedies Cumulative .....	28
<b>ARTICLE XIII VALIDITY.....</b>		<b>28</b>
Section 13.1	Effect.....	28
Section 13.2	Inconsistency.....	28

**TOWN OF ALBORN  
ORDINANCE NO. 11-05-07**

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 Supervisors (the "Board") of the Town of Alborn, St. Louis County, Minnesota (the "Town") 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 Town's administration of the Wastewater Treatment System.
- Section 1.2 Authorized Inspector - an inspector authorized by the Board to prepare the reports required by Section 6.1.a.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 Supervisors of the Town. The Board is the governing body of the Town.
- Section 1.6 Building Drain - Horizontal piping of a drainage system which receives the Wastewater discharge from 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, Onsite 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 Commercial User - Any User that is not defined as a Residential User in this Ordinance and which discharges Commercial Wastewater.
- Section 1.10 Commercial Wastewater - Wastewater emanating from a place of business of a Commercial User which is singly, or by interaction with other wastes:
- a. Normal Domestic Strength Wastewater; or
  - b. exceeds Normal Domestic Strength Wastewater limitations; or
  - c. exceeds normal residential unit volumes of Wastewater as established by the State.
- Section 1.11 County – St. Louis County, a body politic and corporate and political subdivision of the State, its successors and assigns.
- Section 1.12 Debt Service Charge - A charge to the Users of the Wastewater Treatment System for the purpose of repaying the cost of construction of and capital improvements to the Wastewater Treatment Facilities.
- Section 1.13 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 Normal Domestic Strength Wastewater.
- Section 1.14 Engineer - The Person designated by the Board as the engineer(s) for the Public Sewer(s) or his/her authorized deputy, agent, or representative.
- Section 1.15 EPA – The United States Environmental Protection Agency.
- Section 1.16 Extra Strength Charge - Flows in excess of 150 mg/L of BOD shall be subject to an Extra Strength Charge per pound of BOD. Flows in excess of 130 mg/L of TSS shall be subject to an Extra Strength Charge per pound of TSS. Flows in excess of 7 mg/L of P shall be subject to an Extra Strength Charge per pound of P.
- 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 daily 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 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 Town, creates a public nuisance or creates any hazards in the receiving waters of the Wastewater Treatment System.

- Section 1.21 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 1.22 Load - Quantities of Wastewater characteristics such as BOD, TSS, phosphorus or other constituents.
- Section 1.23 MPCA – The Minnesota Pollution Control Agency.
- Section 1.24 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 1.25 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 1.26 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 not to exceed 250 milligrams per liter (mg/L) of BOD or 0.42 pounds of BOD per day; and
  - c. TSS not to exceed 250 mg/L or 0.42 pounds of TSS per day.
- Section 1.27 Onsite Wastewater Treatment System; Individual Sewage Treatment System or ISTS - A sewage treatment system, as defined by Minnesota Rule Chapter 7080, subpart 21, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade, including but not limited to septic tanks, holding tanks, cesspools and privies.
- Section 1.28 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 its design life, including operator training, permit fees and the establishment of reasonable funds to offset depreciation of the Wastewater Treatment System. Replacement Costs refer to obtaining and installing 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 1.29 OM&R Charge – A component of the Sewer Service Charge System consisting of a User's proportionate share of the OM&R.
- Section 1.30 P – Phosphorus.
- Section 1.31 Permit - Written authorization from the Board, County or other regulating entity to perform acts allowed or required by this Ordinance.
- Section 1.32 Person - Any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment System.
- Section 1.33 pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Section 1.34 Pretreatment - The treatment of Wastewater prior to introduction thereof into the Wastewater Treatment System.
- Section 1.35 Private Sewer or Private Wastewater Disposal System - A privately-owned Wastewater disposal system, including but not limited to a privately-owned Onsite Wastewater Disposal System or ISTS.
- Section 1.36 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 1.37 Public Sewer - Any Sewer, metering or pumping facility owned and/or operated by the Town.
- Section 1.38 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 1.39 Sanitary Sewer - A Public Sewer intended to transport 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 1.40 Service Connection – The point at which the Building Sewer meets and is connected to the Public Sewer.

- Section 1.41 Septage - Wastewater generated by an Onsite Wastewater Disposal System, ISTS, recreational vehicle, mobile home, travel trailer, houseboat or similar accommodation with toilet facilities.
- Section 1.42 Septage Service Charge - The fees and charges established from time to time for operation and maintenance of an Onsite Wastewater Disposal System or ISTS by the Town.
- Section 1.43 Septage Service Charge System - The Septage Service Charge system established pursuant to Article XI of this Ordinance.
- Section 1.44 Service Connection - The point at which the Building Sewer meets and is connected to the Sanitary Sewer.
- Section 1.45 Sewage - Wastewater.
- Section 1.46 Sewer - A pipe or conduit that carries Wastewater or drainage water.
- Section 1.47 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 1.48 Sewer Service Charge - The total of the User Charge and the Debt Service Charge.
- Section 1.49 Sewer Service Charge System - The Sewer Service Charge System established pursuant to Article XI of this Ordinance.
- Section 1.50 Sewer Service Fund - The fund of the Town created pursuant to Article XI of this Ordinance.
- Section 1.51 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 1.52 State - The State of Minnesota.
- Section 1.53 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 1.54 Storm Sewer - A Sewer intended to carry unpolluted surface and subsurface water from any source.
- Section 1.55 Superintendent - A person or entity authorized by the Board who is authorized to enforce this Ordinance, or their authorized deputy, agent or representative. If the

Board 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 1.56 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 1.57 Town – The Town of Alborn, a public corporation and political subdivision in St. Louis County, Minnesota and its successors and assigns.
- Section 1.58 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 1.59 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 1.60 User or Users - Those Residential Users, Non-residential Users, and Commercial Users, which are connected to the Treatment System.
- Section 1.61 User Charge - A charge to Users of a Wastewater Treatment System or Facilities, or owners of an Onsite Wastewater Disposal System or ISTS, 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 1.62 Variance - A minor departure from any of the requirements of this Ordinance.
- Section 1.63 Volume Charge – A charge per thousand gallons of metered wastewater payable by all Commercial Users. The Volume Charge is paid in addition to the Base Charge and addresses the variable operating expenses of the Town.
- Section 1.64 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 1.65 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 Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of Sewage, or 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 is included in this definition.

Section 1.66 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 Onsite Wastewater Disposal Systems within the Town.

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 the 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 judgment 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 Board.

## ARTICLE III CREATION; MANAGEMENT

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

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 Onsite Wastewater Disposal Systems in the Town and is responsible for administering the provisions of this Ordinance to ensure that a proper and efficient Public Sewer and Onsite Wastewater Disposal Systems are maintained.

Section 3.3 Committees. The Board in its discretion may establish advisory committees from time to time. The Board shall assign the advisory committees various tasks with regard to the management, day-to-day operations and long-term planning of

Public Sewers, and the Board shall establish meeting times for the advisory committees to report to the Board.

#### 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 Onsite Wastewater Disposal System, use of the Onsite Wastewater Disposal System must be discontinued, and a Service Connection must be made to the Sanitary Sewer within 90 days of receiving written notification of Public Sewer availability from the Board and any septic tanks, cesspools, holding tanks and similar Onsite Wastewater Disposal Systems must be abandoned and removed, or cleaned and filled with clean bank-run gravel. All properties to which the Public Sewer is available as provided in this Ordinance will be assessed for the cost of construction of the Public Sewer. After November 5, 2010, owners of parcels with buildings which existed on the date hereof for which Public Sewer service is available within the meaning of this Ordinance must initiate a Service Connection without prior notice from the Board and pay a Sewer Access Charge then currently in effect.
- b. The abandonment of an Onsite Wastewater Disposal System must be in accord with current requirements of the County and all other regulatory agencies at the property owner's sole expense, unless such Onsite Wastewater Disposal System is legally incorporated into the bid 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.
- d. Property owners of parcels that do not contain structures at the time of the adoption of this Ordinance are not required to initiate a Service Connection to the Public Sewer. However, the owner must initiate a Service Connection prior to commencing construction of any structure on the property unless otherwise approved by the Board.
- e. Any property owner may apply for additional Service Connection Permits under Section 6.1 to provide Public Sewer service to additional structures located on the property. Additional Service Connection Permits will not be issued unless the Superintendent makes the required determinations under Section 6.1(f). For each additional Service Connection the property owner will be required to pay all costs and expenses incidental to the installation of the Service Connection.

Section 4.2 Failure to Connect.

- a. In the event an owner fails to connect to the Public Sewer and does not terminate an Onsite Wastewater Disposal System in compliance with a notice given under this Ordinance, the Board 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 XII.
- b. Costs for such Service Connection made by the Board upon a User's/owner's failure to connect will include the actual cost of connection, the cost of abandonment of the Onsite Wastewater Disposal System and a Sewer Access Charge, or similar fees and charges, as defined in the Sewer Service Charge System.

ARTICLE V ONSITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT

Section 5.1 Onsite Wastewater Disposal Systems and Private Facilities Unlawful. Except as provided hereinafter, it is unlawful to construct or maintain any Onsite Wastewater Disposal System, ISTS 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, or where a property owner has not connected to the Public Sewer as permitted under Section 4.1, the Building Drain must be connected to an Onsite Wastewater Disposal System complying with the requirements of the County, the Town and all other regulatory agencies.

Section 5.3 Compliance with County Requirements. The type, capacities, location and layout of an Onsite Wastewater Disposal System must comply with all requirements of the ordinances and regulations of the County and the Town. No Onsite Wastewater Disposal System is permitted to discharge into any Natural Outlet.

Section 5.4 Operation and Maintenance of Onsite Wastewater Disposal Systems. The owner of an Onsite Wastewater Disposal System must operate and maintain the Onsite Wastewater Disposal System in a manner which complies with applicable State and County regulations at all times and at no expense to the Town, other than expenses payable by the Town pursuant to a contract with the owner of the Onsite Wastewater Disposal System or this Ordinance.

Section 5.5 Additional Legal Requirements. No statement contained in this Article may be construed to interfere with any additional requirements that may be imposed by the County, the MPCA or other responsible federal, State, or local agencies.

Section 5.6 Reservation of Powers. The Board reserves the right to maintain and operate Onsite Wastewater Disposal Systems or ISTSs 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; VARIANCES

### Section 6.1 Permits Required with respect to Public Sewers.

- a. Except for Town 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 Town in accordance with any rules and regulations promulgated by the Board pursuant to the provisions of this Ordinance; and
  - ii. submission to the Board of a report, in form and substance satisfactory to the Board 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. No Person(s) may make, construct or install any Onsite Wastewater Disposal System or any appurtenances thereof or any connection thereto without first obtaining written Permits from the Board, Town and County.
- c. The owner or their agent must make application for a Permit on a special form furnished by the Board. The application must be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or necessary to comply with any rules or regulations of the Board.
- d. A Permit and inspection fee will be established by the Board to defray inspection, administrative and other costs. The fee must be paid to the Board at the time the application is filed.
- e. 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 Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer or the ISTS.
- f. No Service Connection Permit will be issued unless the Superintendent first determines that:
  - i. all Town 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.ii of this Section has been submitted to the Board; and
  - iv. 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.
- g. 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 Board may rely solely on representations and certifications made by the local unit of government in which the property proposed to be served is located.
- h. 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. 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.
- i. 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 Town 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 Board, providing satisfactory evidence of the applicant's qualifications. If approved by the Board, the license will be issued by the Board 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 Town in an amount equal to the estimated cost of the installation of the Service Connection is filed and approved by the Board. The licensee will be required to indemnify the Town 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 Board 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 Board 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 Board 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 Town and will be effective upon such filing.

Section 6.3 License Revocation. The Board 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 Onsite Wastewater Disposal Systems.
- d. Failure to adequately protect and indemnify the Town and the property owner.
- e. Failure to complete work promptly.
- f. Construction or performance of work that fails to pass 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
- l. access to User's premises so that Town personnel may carry out sampling, monitoring and measurement of User's discharges.

**Section 6.5** 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 Town and will be effective upon such filing.

**Section 6.6** Fees. The Board 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 Board at the time the application is filed with the Board.

**Section 6.7** Easement. The Board will require a User of Sewer services and a Person applying for Sewer service to grant an easement in favor of the Town over the property to be served for the purpose of installation and of access to the Public Sewer.

**Section 6.8** Variances.

- a. Any request for a Variance from the limitations or requirements contained in this Ordinance shall be made in writing to the Board on a form provided by the Board. Each application for a Variance shall indicate the reason for which the Variance is desired, with sufficient particularity to allow the Board to determine whether the resulting use or structure would otherwise conform to the regulations herein prescribed.
- b. Variances from Ordinance standards may be approved only where: (1) the alternative requested is no less stringent than justified by the factors presented for consideration; (2) the alternative requested will not result in a violation of the

prohibitions in Article VIII; (3) the alternative requested will not result in an adverse non-water quality environmental impact; (4) the alternative requested will not violate any applicable State, Federal or local laws or regulations; (5) a literal application or enforcement of this Ordinance will result in unnecessary hardship; and (6) the Variance, if granted, will not be contrary to the public interest, will not create a health hazard, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for Variance to the requirements of this Ordinance may be considered by the Board unless a copy of the application has been furnished to the Superintendent for advice as to the effects of the Variance on the Treatment System. If the Superintendent does not respond to the application within 15 day after receipt, the Board may act on its own to grant or deny said application.

- c. The Board may approve or deny a Variance application in full or in part and may set time limits for the duration of the Variance. No Variance may be approved for a time period longer than three (3) years. Variances shall contain such conditions as the Board determines necessary to ensure compliance with this Ordinance and with any State or Federal regulations. The Board or its designee will notify the applicant in writing of its decision within sixty (60) days of receipt of a completed application.
- d. The Board may revoke a Variance after thirty (30) days notice to the User for cause including, but not limited to, the following causes: (1) a violation of any term or condition of the Variance; (2) a misrepresentation or failure to fully disclose all relevant facts in obtaining a Variance; or (3) a determination by the Board based upon additional information, that a Variance is no longer appropriate. The Board may modify a Variance after thirty (30) days notice to the User following a determination by the Board that the circumstances under which the Variance was granted have changed and a modification is necessary to ensure compliance with the conditions stated in subsection b of this Section.

#### 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 Town.

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.
- 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 Town and the materials and procedural specifications set forth by the American Society of Testing Materials (ASTM) and the MPCA. All Service Connections must be made 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 Board before installation.

- c. 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 Board 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 Board will be a violation of this Ordinance. The Board 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 Board.

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 Board may, by resolution, adopt reasonable rules and regulations relating to Sewer construction, use, maintenance, discharges, and deposit or treatment of all Wastewater, both directly or indirectly, within the Town. Such resolution may adopt rules and regulations by reference.

Section 7.5 Sewer Access Charge. There must be paid to the Board 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, sump pump, water softener, etc. may be discharged to the Sanitary Sewer. Such water must be discharged only to Storm Sewers or to Natural Outlets approved by the Board and other regulatory agencies.
- Section 8.2 Septage. No Septage may be discharged or deposited into the Sanitary Sewer unless otherwise approved by the Board.
- 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, naphtha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, paints, 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 substances, materials, waters or wastes if it appears likely in the opinion of the 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 may give consideration to such factors as 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 Town's 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 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.
- f. 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 State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. 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.

- h. 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.
- i. 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).
- j. 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.
- k. Unusual volume of Flow or concentration of wastes constituting Slugs.
- l. Wastewater containing substances which cannot be treated to produce effluent quality causing a violation of any applicable local, State, or federal regulation.
- m. Noxious or malodorous liquids, gases, or solids.

Section 8.5 Lower Limitations. The Superintendent or the Board may set limitations more stringent 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, 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 Board.
- 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 Metering and Testing of Waste. Where required by the Board, water meters must be installed on a User's water supply lines to facilitate measurement of Wastewater generated. The Town will own, supply, install and maintain meters. The Board will set a fee by resolution or ordinance to cover the costs of installation, maintenance, and meter readings. The meters must be accessible to the Town at all times.

Section 8.8 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 8.9 Accidental Discharges.

- a. Where required by the Board, 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 any User from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.
- b. Users must notify the Board immediately if a Slug or accidental discharge of Wastewater occurs in violation of this Ordinance. 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.

Section 8.10 Contracts with Users. No statement contained in this Article will prevent any special agreement or arrangement between the Board and any User.

#### 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 Town, any human or animal excrement, or other objectionable waste.

- c. It is unlawful to discharge to any Natural Outlet or Watercourse within the Town, any Sewage or other polluted waters.
- 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 Board.
- b. If within 48 hours after receiving written notice from the Board the property owner has not commenced repairs, the Board may have said work done and may collect such amounts in the manner set forth in Article XII.

Section 9.3 Unauthorized Discharges.

- a. In the event of discharges or proposed discharges to the Public Sewer that contain substances or possess characteristics prohibited in this Ordinance or which in the judgment 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:
  - b. Refuse to accept the wastes.
  - c. 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.
  - d. Require control over the quantities and rates of discharge.
  - e. 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.
  - f. If the Engineer and/or Superintendent permits the Pretreatment or equalization of Flow, the design and installation of the plants and equipment, if any, is subject to review and approval by the Board 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 Town may without notice repair such damage and may charge the responsible User/owner for such Emergency Repairs.

Section 9.5 Charge for Town Expenses. In addition to penalties that may be imposed for violation of any provision of this Ordinance, the Town 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 XII.

#### 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 Town 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.

Section 10.2 Indemnification. While performing work on private property as authorized by this Ordinance, the Engineer, Superintendent, or duly authorized employees of the Town must observe all safety rules applicable to the premises and the owner will be held harmless for injury or death to the Town employee. The Town 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 Town, bearing proper credentials and identification, must be permitted to enter all properties through which the Town 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 Board establishes a Sewer Service Charge System.
  - i. All revenue collected from Users of the Wastewater Treatment Facilities located within the Town will be used for annual operation, maintenance, replacement and capital costs.

- ii. Unless otherwise provided in a written agreement with the Board, each User must pay a proportionate share of OM&R based on the number of EDUs assigned to such User. The Sewer Service Charges may be based in part on the number of hookups per property served.
  - iii. Each User may also be required to pay a Debt Service Charge to retire local capital costs as recommended by the Board.
- b. The Board establishes a Septage Service Charge System.
- i. In the event the Board undertakes the regulation of Onsite Wastewater Disposal Systems, all revenue collected from owners of Onsite Wastewater Disposal Systems located within the Town will be used to offset the costs of the Town incurred with respect to its operation and maintenance of such systems.
  - ii. The capital cost of an Onsite Wastewater Disposal System must be borne by the owner thereof.
  - iii. Unless otherwise provided in a written agreement with the Board, 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 Onsite Wastewater Disposal Systems by the Town; provided that the Board may establish a flat rate or system of rates applicable to its services provided to or with respect to Onsite Wastewater Disposal Systems.
  - iv. The Board, in its sole discretion may establish a separate system of rates and charges for extraordinary maintenance costs of an Onsite Wastewater Disposal System.

**Section 11.2 Charges.**

- a. Unless otherwise provided in a written agreement with the Board, charges to Users of the Wastewater Treatment Facilities will be determined and fixed in a Sewer Service Charge System and a Septage Service Charge System developed by the Board according to the provisions of this Ordinance. Subsequent changes in the Sewer and Septage service rates and charges will be adopted by the Board by ordinance or resolution.
- b. The Sewer Service Charges as established 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. 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 Town.

**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. 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 Board hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the Sewer Service Charge System 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.**

- a. The Sewer Service Fund will be held and administered by the Board and must be separate and apart from all other accounts of the Board. 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; and
  - iii. Debt Retirement for the Treatment Facilities.
- b. The Board will maintain a proper system of accounts and records suitable for determining the OM&R and debt retirement costs of the Treatment Facilities.
  - c. 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 Board will revise the Sewer Service Charge System 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 Onsite Wastewater Disposal Systems by the Town and to retire any Town indebtedness incurred as a result of construction and management of Public Sewers.
  - d. Sewer Service Charges will be billed by the Board not less frequently than semi-annually. 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 Board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The written notice must also state that the offender may request a hearing on the issue pursuant to Section 12.3. 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 Hearing.

- a. Any Person violating or found to have violated any provision of this Ordinance may, within 30 days of issuance of written notice from the Board of the violation, request a hearing on the issue, in which case no penalty will be imposed until after

the hearing is held. If, as a result of the hearing, there is no legal reason why a Person should not be penalized under this Article, the Board may immediately impose the penalty.

- b. A hearing shall be arranged through the Board's Secretary. The Secretary will notify the Chair that a hearing needs to be held to review the claim. It is within the Board's discretion to schedule a date and time for the hearing. The hearing may occur before the Board or before an officer thereby designated by the Board.

**Section 12.4 Fines and Penalties.**

- a. Any Person who continues any violation beyond the time limit provided for in Section 12.2 will be, subject to Section 12.3, fined an amount not exceeding \$1,000.00, 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 12.5 Collection.**

- a. To collect delinquent Sewer Service Charges or Septage Service Charges, the Board may file a civil action suit or may levy a lien against the violator's property. Related attorney fees may also be collected or levied.
- b. In the event the Board 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 Board will certify unpaid penalties and charges and related expenses including attorney fees and engineer 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 12.6 Town Costs Incurred Under Section 4.2.** In the event the Town incurs costs under the provisions of Section 4.2 of this Ordinance, the Board will assess the cost thereof against the benefited property. Such assessment, when levied, will bear interest to the rate determined by the Board and will be certified to the County Auditor and collected and remitted to the Town in the same manner as assessments for local improvements. The rights of the Town are in addition to any penalties or remedial or enforcement provisions of this Ordinance.

Section 12.7 Liability. Any Person violating any of the provisions of this Ordinance will become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

Section 12.8 Enforcement Alternatives. Notwithstanding any provision in this Ordinance to the contrary, the Board may use any remedy or alternative available in law or statute in the enforcement of this Ordinance, including exercise of the Town'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.

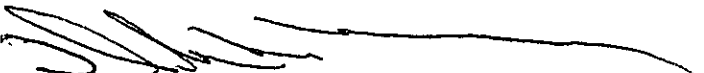
Section 12.9 Remedies Cumulative. Any remedies or penalties provided in this Ordinance are cumulative and in addition to any other remedies, either in law or equity, that may be available to the Board.

#### 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 Supervisors of the Town of Alborn, St. Louis County, Minnesota, on the 5th day of November, 2007 and amended on October 6, 2008.

  
Chair

Attest:

Carole Fosness  
Clerk