CREDIT RIVER TOWNSHIP

SCOTT COUNTY, MINNESOTA

ORDINANCE NO. 2002 - 02

ORDINANCE GOVERNING THE "SOUTH PASSAGE" ENVIRONMENTAL SUBORDINATE SERVICE DISTRICT WASTE WATER COLLECTION SYSTEM

THE TOWN BOARD FOR THE TOWN OF CREDIT RIVER, SCOTT COUNTY, MINNESOTA, HEREBY ORDAINS:

SECTION ONE

AUTHORITY

The Credit River Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapter 365A, Chapter 115.50, and Chapter 444 enacts the following rules and regulations to govern the South Passage Environmental Subordinate Service District for the health, safety and welfare of the users and members of Credit River Township.

SECTION TWO

INTRODUCTION

The South Passage Environmental Subordinate Service District (DISTRICT) was established under Minnesota Statute, Chapters 365A and 444 on July 4th, 2002. The DISTRICT will operate for the residents in that part of:

> That part of the East ½ of the NW ¼ of Section 34, Township 114, Range 21, Scott County, Minnesota, lying northerly of County Road No. 8, consisting of 49.8 acres.

The DISTRICT is under the control and management of the Credit River Township Board of Supervisors (BOARD).

SECTION THREE

DEFINITIONS

The following words and phrases when used in the definitions in this Section and when otherwise used in this document shall have the meanings ascribed to them in this Section, unless the context otherwise clearly indicates.

3.1. ADDITIVES – Means products added to the wastewater or to the system with the intent to improve the performance of an individual sewage treatment system.

3.2. BOARD - The Credit River Township Board of Supervisors.

3.3. BASE CONNECTION FEE - The Base Connection Fee shall be the sum of the total cost to install the SEWER SYSTEM, including all costs incurred by the Township to connect all current USERS to the SEWER SYSTEM, divided by the total number of structures connected, including the structure(s) proposed to be connected by the requesting property owner(s).

3.4. COMMON PORTION -The common wastewater collection system; that portion which includes all equipment, pumps, sewer lines and appurtenances of the DISTRICT SEWER SYSTEM which is located in a public easement or street, or which is located on land owned by Credit River Township.

3.5. CONTRACTOR - Independent person(s), entity (entities), party (parties) contracted, by the BOARD, to manage, operate or maintain the DISTRICT SEWER SYSTEM.

3.6. EFFLUENT BIO-FILTER – Filtering system which is placed within a pump and filters particles from the effluent within a wastewater line, pump station, and/or septic tank. Known by other names such as Zabel filter, etc..

3.7. DISTRICT -The South Passage Environmental Subordinate Service District.

3.8 MPCA 7080 STANDARDS - The minimum standards promulgated by the Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, and the Scott County Individual Sewage Treatment Ordinance No. 4. , inclusive of this ORDINANCE, as amended from time to time.

3.9. PRIVATE SYSTEM - That portion of the wastewater collection system that resides within the private boundaries of the USERS in the system and which is not part of the "common" portion of the sewer system, and which contributes effluent to the "common" portion of the District system(s).

3.10. SAC CHARGE - Sewer Availability Charge. A hook-up connection charge applied to those property owners located outside of the original DISTRICT boundaries or which are admitted later into the DISTRICT and connect to the DISTRICT SEWER SYSTEM.

3.11. SEPTAGE – Means solids and liquids removed during periodic maintenance of an individual wastewater treatment system, or solids and liquids that are removed from toilet waste treatment devices.

3.12. SEPTIC TANK – Means any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the effluent to discharge to a treatment system.

3.13. SEWER - Means a system that carries wastewater.

3.14. SEWER SYSTEM - The common wastewater collection system which includes all equipment, pumps, sewer lines, treatment and disposal system portions, and any and all appurtenances of the DISTRICT SEWER SYSTEM which is located in a public easement or street, or which is located on land owned by Credit River Township.

3.15. ORDINANCE - Means the rules and regulations imposed and enforced by Credit River Township.

3.16. USER - Means a resident, inhabitant, owner of land or dwelling that is causing or permitting the discharge of wastewater to the DISTRICT SEWER SYSTEM.

SECTION FOUR

GENERAL PROVISIONS AND CONDITIONS

4.1. The DISTRICT is created as a management tool to operate and administrate a common wastewater collection system on behalf and for the residents encompassed by this DISTRICT pursuant to Minnesota Statutes Chapter 365A, Chapter 115.50, and Minnesota Statute Chapter 444, authorizing the powers herein.

4.2. The BOARD is responsible for the management of the DISTRICT, and the operations and maintenance of the wastewater collection system (SEWER SYSTEM) in the DISTRICT pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7080, the Scott County Individual Sewage Treatment Ordinance No. 4, and this ORDINANCE, as amended from time to time.

4.3. The SEWER SYSTEM shall include all equipment, pumps, sewer lines, treatment and disposal systems, and any and all appurtenances, presently existing or hereinafter acquired, as are found necessary for completion of such SEWER SYSTEM in operating condition adequate to collect and transmit all wastewater effluent into the system, and for the proper treatment and disposal of such wastewater.

4.4. PERMANENT ACCESS MAINTENANCE EASEMENT. The BOARD, its agents or CONTRACTOR(S) have the right, through a permanent access maintenance easement, to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, repair, and replacement required on the

SEWER SYSTEM, or any part thereof. This right of entry is in relationship to performing these tasks in the PRIVATE SYSTEM area when reasonable and necessary to ensure the proper functioning and maintenance care of the SEWER SYSTEM. Such examples of maintenance would include the annual cleaning, repairs and/or emergency replacement of the tank filter and pump, checking the septic tank for sludge and scum, and needed septic tank septage maintenance and removal.

4.5. USERS will be billed individually for any repairs and/or replacement of portions of their PRIVATE SYSTEM when found to be failing through maintenance operations. Such parts shall include, but are not limited to the following: the sewer line, pump tank, pump, bio-filter and electrical meter and all necessary parts required to maintain said system in operating compliance.

4.6. Ownership, of all common pumps, lines, mains, extensions and appurtenances thereto of the DISTRICT SEWER SYSTEM shall remain with the BOARD. Those parts referred to as PRIVATE SYSTEM are located on private property, belong to, and are under the ownership of the individual USER.

4.7. It is hereby declared that no one is to use or to drive on property used by the BOARD for treatment and disposal of wastewater from the SEWER SYSTEM unless it is for the stated repair and/or maintenance of the wastewater treatment system or for the purposes of required inspections by County and public officials or viewing as authorized by the Credit River Township Board of Supervisors. This is inclusive of any driveway, which leads to treatment site.

4.8. The BOARD, along with the invitation of the Scott County Environmental Health Department, and Service Management Contractor, will inspect the physical portion of the DISTRICT SEWER SYSTEM, review maintenance and operation logs, and receive a yearly status report; the report will become public record for all to examine.

4.9. No person shall engage in an act intentionally or carelessly which results in breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, appurtenances or equipment that is part of the DISTRICT SEWER SYSTEM.

SECTION FIVE

RATES, CHARGES AND CONNECTION TO THE DISTRICT SEWER SYSTEM

5.1. The BOARD may set such rates, fees and charges, as it deems appropriate. No such resolution setting such fees shall be adopted before a public hearing has been held thereon. Notice of such public hearing containing the effective date thereof shall be kept on file and open to inspection in the office of the Credit River Township Clerk and shall be uniformly enforced.

5.2. All funds collected from such rates, fees and charges will remain with the DISTRICT'S funds and will be used to reduce any costs allocated to the usage, repair and replacement of the DISTRICT SEWER SYSTEM.

5.3. INDIVIDUAL SEWAGE TREATMENT SYSTEMS WITHIN THE DISTRICT. All property owners within the DISTRICT will be required to connect to the DISTRICT SEWER SYSTEM. The property owner will comply with the following steps:

5.3.1 LETTER OF REQUEST. Property Owner submits a letter of request to the Credit River Town Board of Supervisors requesting service hook-up to the common wastewater collection system.

5.3.2. DESIGN FLOW CONSIDERATIONS / APPROVAL. The BOARD and/or an Engineer will review and contact the Scott County Environmental Health Department for consideration of design flow and hook-up to the collection system.

5.3.3 SUBMITTAL. Upon approval and the necessary permits acquired from Scott County, the property owner will submit the following to the BOARD to be placed on file with Scott County and Credit River Township BOARD:

5.3.3.1. A copy of all permits, inclusive of building, accessory, and wastewater permit, etc.

5.3.3.2. A copy of the approved design and the MPCA licensed contractor's and/or MPCA licensed professional engineer's proposal for completing the hook-up into the system.

5.3.3.3. A permanent access easement allowing construction access, management & perpetual maintenance of any and all portions of the SEWER SYSTEM which are deemed necessary to adequately serve the property owner's land with the SEWER SYSTEM.

5.4. CONNECTION TO DISTRICT SEWER SYSTEM. Once approved by the BOARD, and the Scott County Environmental Health Department, the property owner will connect to the system under the following conditions:

5.4.1. On-going supervision will be done to insure that the hook-up to the DISTRICT'S SEWER SYSTEM is secure, and will not jeopardize any portion of the present system. Certificate of Compliance to be issued and a copy provided to the Credit River Town Board of Supervisors upon completion of the hook-up. A copy of the as-built drawings will be submitted to all the necessary parties (County, BOARD) by the MPCA licensed professional showing the location and construction details for the hook-up.

5.4.2. In addition, property owners will be required to pay for all construction costs encountered for and on their PRIVATE SYSTEM [i.e. septic tank, building sewer lines, lift pump, lift stations, easement condemnations, etc., when and where necessary] as well as any additional collection line costs that might be required to connect into the DISTRICT'S common wastewater system collection lines.

5.4.3. CONNECTION COSTS. All costs of connection shall be borne by the new USER(S) connecting to the DISTRICT SEWER SYSTEM. THE USER shall reimburse the BOARD for all costs incurred in connecting USER to the SEWER SYSTEM. Said costs shall be reimbursed within thirty days (30 days) of billing by the BOARD, unless other arrangements are made in writing and approved by the Board.

5.5. PETITION TO ENTER DISTRICT AND USE THE DISTRICT'S SERVICES. In addition, landowners outside of the DISTRICT boundaries who desire wastewater services will be required to pay all necessary and associated costs to petition to expand the boundaries of the South Passage Environmental Subordinate Service District, pursuant to Minnesota Statute 365A, subdivision 365A.07. Further, those USERS entering the DISTRICT will pay the charges identified above in paragraph four (4) and paragraph six (6) below.

5.6 SEWER AVAILABILITY CHARGES (SAC fees). The following formula will be used as the sewer availability hook-up charge (SAC charge) for any DISTRICT property owner located outside of the original District boundaries but which are later admitted into the District and connected to the SEWER SYSTEM. Said hook-up charge must be paid to the BOARD by the property owner prior to connection to the SEWER SYSTEM, and shall consist of the following:

5.6.1 BASE CONNECTION FEE. The "Base Connection Fee" shall be the sum of the total cost to install the SEWER SYSTEM, including all costs incurred by the BOARD to connect all current USERS to the SEWER SYSTEM, divided by the total number of structures connected, including the structure(s) proposed to be connected by the requesting property owner(s). Interest on the Base Connection Fee will be calculated at seven (7)% per annum from the date the SEWER SYSTEM began operating to the date of connection by the requesting property owner(s).

5.6.2 SAC CHARGE. An additional $ 1500.00 sewer availability charge which may be changed from time to time by BOARD resolution.

5.6.3. OTHER CONNECTION COSTS. In addition, property owners will be required to pay for all construction costs incurred on and to their PRIVATE PORTION [i.e. septic tank, building sewer lines, lift pump(s), lift stations, easement

condemnations, engineering costs, permits when and where necessary, etc.] as well as any additional collection line costs that might be needed to connect into the DISTRICT'S common wastewater system common collector line.

5.7. All present and future property owners within the DISTRICT will be subject to the applicable rules and regulations inclusive of the DISTRICT'S ORDINANCE, as amended, the MPCA Chapter 7080 rules, as amended, and Scott County's regulations for individual sewage treatment systems, as amended from time to time.

5.8 The BOARD may, under Minnesota Statute 366.012, certify each year to the Scott County Auditor, any unpaid service charges, costs, and fees, which shall then be collected together with property taxes levied against the property. The BOARD must serve written notice to the USER of its intention to certify the charge to the Scott County Auditor. Any unpaid charges will be subject to the same penalties, interest, and other conditions provided for in the collection of regular property taxes.

SECTION SIX

DAMAGE TO DISTRICT SYSTEM PROHIBITED

6.1. It shall be unlawful for any USER to discharge upon, in or under the ground or to any natural outlet within the DISTRICT any wastewater other than to the common wastewater collection system.

6.2 It shall be unlawful for any USER to discharge or cause to be discharged any unpolluted waters such as storm-water, groundwater, roof runoff, subsurface drainage, drain tile lines, swimming pools, into the DISTRICT'S SEWER SYSTEM by means of a sump pump, or otherwise. All USERS must comply with the provisions of 7080.0065, subp. 3., Chapter 7080, Minnesota Pollution Control Agency's rules, which are incorporated herein. Products containing hazardous waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning, including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals, must not be discharged to the system.

6.3. It shall be unlawful for any USER to discharge liquids or solids into the wastewater of the SEWER SYSTEM that has concentrations or quantities that will harm the collective and treatment portions of the SEWER SYSTEM, endanger lives, or constitute a public health risk or nuisance, or to create any hazard in the receiving waters of the system. Examples of such materials that are harmful include, but are not limited to the following:

6.3.1 Any gasoline, antifreeze, fuel oil, latex paint, oil and/or chemical solvents, other hazardous oils, or other flammable or explosive liquids, solids or gas. Any waters

containing toxic or poisonous solids or liquids, which alone or by interaction with other wastes could release noxious gases, form suspended solids, which interfere with the DISTRICTS SEWER SYSTEM, or create a condition deleterious to structures and treatment processes.

6.3.2 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow or proper operation of the wastewater collection system such as, but not limited to, ashes, asphalt, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, and other similar items, tar, plastics, disposable diapers, wood, ground or un-ground garbage, whole blood, paper dishes, napkins, cups, milk containers, sanitary napkins and tampons and other similar items as well as the containers for such items.

6.4. No USER will connect a garbage disposal to the DISTRICTS SEWER SYSTEM.

6.5. When a USER wishes to expand or add a bedroom to present home, said USER will complete a building permit, as required by the Scott County Individual Sewage Treatment Ordinance No.4, and a determination as to the effect of said permit on the DISTRICT'S SEWER SYSTEM will be completed before approval of said permit.

6.6. Within the DISTRICT, USERS are strongly encouraged to use non-phosphorus products and liquid rather than powder detergents.

6.7. USERS will be required to shut off their main water supply when their home is not occupied for a period exceeding four (4) consecutive days. Upon written request from a USER, the Credit River Township Clerk may grant an exception for a necessity [i.e. when a heat pump cannot be shut off].

6.8. USERS, will be required to use low-flow toilets [i.e.1.6 gal / flush minimum], low-flow shower-heads, and any such appliances to promote and sustain water conservation practices to protect the integrity and long-term effectiveness of the DISTRICT'S SEWER SYSTEM.

6.9. All USERS must comply with the provisions of Minnesota Rules, Chapter 7080.0175, subp. 5, which are referenced and incorporated herein. Individual wastewater treatment system additives that contain hazardous substances must not be used in their septic tanks.

SECTION SEVEN

VIOLATION IS A MISDEMEANOR

7.1. Any person who willfully or negligently violates any provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules, the Scott County Wastewater Treatment

Ordinance # 4, and/or the provisions of the ORDINANCE contained herein will be subject to notification of violation.

7.2. Enforcement. This Ordinance shall be administered and enforced by the BOARD, or its authorized representative. The duly authorized representative may institute appropriate action for any violations of this Ordinance at the direction of the BOARD and through the Township Attorney as deemed necessary.

7.3. Any USER or person who violates a Section, Subdivision, paragraph, or provision of this Ordinance when he or she performs an act or becomes a public nuisance which is hereby prohibited, or declared unlawful or fails to do an act required, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be subject to a fine not to exceed $1000 and imprisonment not to exceed 90 days plus the costs of prosecution. Each day of non-compliance with any of the terms of this Ordinance shall be considered a separate violation and a separate criminal act.

7.4. The BOARD reserves the right to prosecute in criminal court and/or civil court for any remedies, including injunctive relief and reimbursement of all costs and disbursements, including Attorney's fees expended by the Township in enforcing of this Ordinance. Each right or remedy accruing to the Township under this Ordinance or at law is separate and distinct and may, in the Township's discretion, be exercised independently or simultaneously with any other right or remedy.

SECTION EIGHT

AMENDMENTS OR CHANGES

8.1. The BOARD may from time to time amend this ordinance.

8.2. Thirty (30) calendar days written notice shall be provided to all property owners located in the DISTRCT before any amendments or changes to this Ordinance are adopted by the BOARD. Notice will be sent in good faith, to all landowners listed on the County tax rolls and within said DISTRICT. Failure of any landowner to receive said notice shall not invalidate any ORDINANCE amendment. Said notice shall include the date, time and place of said hearing. Any Township member or USER may be heard at the hearing or through written comment addressed to the Credit River Township Board Clerk.

SECTION NINE

VALIDITY AND SEVERABILITY

The invalidity of any Section, clause, sentence or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE, which can be given effect without such invalid part or parts.

SECTION TEN

EFFECTIVE DATE

This ORDINANCE, its rules and regulations for the South Passage Environmental Subordinate Service District shall take effect and be in full force immediately following its adoption and publication by the Credit River Town Board of Supervisors.

PUBLIC NOTICE

Adoption of Ordinance 2002-02

Governing the South Passage Environmental Subordinate Service District
wastewater collection system.

The Board of Supervisors for the Town of Credit River, Scott County, Minnesota, now hereby ordains that on October 9, 2002, the Board of Supervisors conducted a hearing "Draft" Ordinance 2002-02, Ordinance Governing the South Passage Environmental Subordinate Service District wastewater collection system. On October 9, 2002, at a special meeting, the Credit River Township Board of Supervisors adopted the above Ordinance.

Due to the lengthy content of the revisions, a brief Summary follows:

Section One: Authority – Identifies the authorities used in preparation of said OrdinanceSection Two: Introduction – Identifies the boundaries and establishment of the South Passage Environmental Subordinate Service District in Credit River Township
Section Three: Definitions – Clarifies language used in the Ordinance
Section Four: General Provisions and Conditions – Identifies and clarifies the Ownership and Management of the District Sewer System
Section Five: Rates, Charges and Connections to the District's System – Such fees necessary to operate and manage the District Sewer System and Landowners responsibilities for connection to the system.
Section Six: Damage to District System Prohibited – Identifies what is not allowed and could harm the District system
Section Seven: Violation is a Misdemeanor – Consequences for violations of this Ordinance and District Sewer System
Section Eight: Amendments or Changes – Process for amendments or changes to District Ordinance
Section Nine: Validity and Severability – Validity of the Ordinance should a provision be invalid
Section Ten: Effective Date – Effective date of Ordinance

The, Ordinance 2002-02, Ordinance Governing the South Passage Environmental Subordinate Service District wastewater collection system shall take effect and be in full force immediately following its adoption and upon publication. A copy of the Ordinance will available Credit River Township Offices, located at 7450 Credit River Blvd. at Prior Lake, Minnesota, 55372 during office business hours. An additional copy of the Ordinance will also be on file at the Prior Lake Public Library, located in Prior Lake, Minnesota.

Chairman, Credit River Township

ATTEST:

Clerk, Credit River Township

Published in the Prior Lake American, Prior Lake, Scott County, MN on the 19th day of October, 2002

Date:

Motion by Supervisor Dan Casey, second by SupervisorLeroy Schommer to adopt Ordinance 2002-02, Ordinance Governing the South Passage Subordinate Service District wastewater collection system.

3 Ayes:	0 Nays:
0 Abstain:	0 Absent:

Motion was passed / not passed and the above Ordinance was declared adopted.

ATTEST:

Clerk, Credit River Township

Chairman, Credit River Township