Credit River Township
County of Scott
State of Minnesota

Public Notice

Adoption of Ordinance 2006-01A

Governing the Territory Environmental Subordinate Service District
Wastewater Collection Systems.

The Board of Supervisors for the Town of Credit River, Scott County, Minnesota, now hereby ordains that on the fifth day of December, 2005, they conducted a hearing on the "Draft" Ordinance 2006-01A, Ordinance Governing the Territory Environmental Subordinate Service District Wastewater Collection Systems which was continued to the third of January, 2006.

On, the third day of January, 2006, 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 Ordinance
Section Two:	Introduction – Identifies the boundaries and establishment of the Territory Environmental Subordinate Service Districts 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 CSTS SYSTEMS
Section Five:	Rates, Charges and Connections to the District's System – Such fees necessary to operate and manage the DISTRICT CSTS SYSTEMS and Landowners responsibilities for connection to the system.
Section Six:	Damage to DISTRICT SYSTEMS Prohibited – Identifies what is not allowed and could harm the DISTRICTS SYSTEMS
Section Seven:	Violation(s) are a Misdemeanor – Consequences for violation(s) of this Ordinance and DISTRICT CSTS SYSTEMS
Section Eight:	Amendments or Changes – Process for amendments or changes to DISTRICTS Ordinance
Section Nine:	Validity and Severability – Validity of the Ordinance should a provision be declared invalid
Section Ten:	Effective Date – Effective date of Ordinance

The, Ordinance 2006-01A, Ordinance Governing the Territory Environmental Subordinate Service District Wastewater Collection Systems shall take effect and be in full force immediately following its adoption and upon publication. A copy of the Ordinance can be viewed during office business hours by calling the Credit River Township Clerk at 1-952-440-5515.

Dan Casey - Chairman

ATTEST:

Jerry Maas, Clerk

Date: 01/03/06

Motion by Supervisor Leroy Schommer, second by Supervisor Bruce Nilson to adopt Ordinance 2006-01A, Ordinance Governing the Territory Environmental Subordinate Service District Wastewater Collection Systems and the Ordinance Summary as stated for publication.

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

Motion was passed and the above Ordinance was declared adopted.

ATTEST:

Jerald R. Maas, Clerk
Credit River Township

Dan Casey, Chairman
Credit River Township

Published in the Prior Lake American, located in Prior Lake, Minnesota, on the 21st day of January, 2006.

Published in the Lakeville Life and Times, located in Lakeville, Minnesota, on the 21st day of January, 2006

CREDIT RIVER TOWNSHIP

SCOTT COUNTY, MINNESOTA

ORDINANCE NO. 2006 –01A

ORDINANCE GOVERNING THE "TERRITORY" ENVIRONMENTAL SUBORDINATE SERVICE DISTRICT WASTE WATER COLLECTION SYSTEM(S)

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 Territory Environmental Subordinate Service District for the health, safety and welfare of the users and members of Credit River Township.

SECTION TWO

INTRODUCTION

The Territory Environmental Subordinate Service District was created on May 15th, 2003 hereinafter called DISTRICT, under Minnesota Statutes, Chapters 365A, 115.50, and 444.

The Territory Environmental Subordinate Service District (DISTRICT) will operate for the residents in that area described herein below and graphically depicted on the attached Exhibit A:

LEGAL DESCRIPTION

Parcel 1:

The Northeast Quarter of Section 32, Township 114 North, Range 21 West, Scott County, Minnesota.

Parcel 2:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 32, Township 114 North, Range 21 West, Scott County, Minnesota described as follows: Commencing at a point 8 rods south of a point 24 rods and 5.5 feet west of the Quarter post on the east side of Section 32, Township 114, Range 21; thence South 54 degrees 45 minutes West 15 rods to a post set in the ground; thence North 38 degrees 40 minutes West 22 rods to the Quarter line running east and west through said Section 32; thence East along said Quarter line to the bank of the lake; thence Southeast along the bank of the lake to the point of beginning.

Parcel 3:

The West Half of the Northwest Quarter of Section 33, Township 114 North, Range 21 West, Scott County, Minnesota, excepting the south 4 rods thereof.

Parcel 4:

The Southeast Quarter of the South west Quarter and the West Half of the Southeast Quarter, Section 29, Township 114 North, Range 21 West, Scott County, Minnesota.

Parcel 6:

The West Half of the Southeast Quarter and the West Half of the East Half of the Southeast Quarter, Section 29, Township 114 North, Range 21 West, Scott County Minnesota.

Parcel 7:

A tract of land in the East One-Half of the Southeast Quarter of Section 32, Township 114 North, Range 21 West, Scott county, Minnesota Described as follows: commencing at a point 1471.8 feet north of the southwest corner of said East One-Half of the Southeast Quarter and lying on the west line thereof, said point also being the center line of Old County Road No. 8; thence North 70 degrees 50 minutes East and along said center line a distance of 1252.0 feet; thence South 18 degrees 35 minutes East a distance of 247.7 feet to the center line of New County Road No. 8; thence Southwesterly along said center line a distance of 1293.6 feet to its intersection with said west line; thence North to the point of beginning a distance of 99.2 feet.

Parcel 8:

That part of East One-Half of the Southeast Quarter of Section 32, Township 114 North, Range 21 West, Scott County, Minnesota described as follows: Beginning at the northwest corner of said East One-Half of the Southeast Quarter; thence East along the east and west center line of said Section 32, 895.7 feet; thence South 18 degrees 35 minutes 813.8 feet to the center line of County Road No. 28; thence South 70 degrees 50 minutes West along said County Road 1252 feet; thence North 1 degree 20 minutes East along the west side of said East One-Half of the South east Quarter 1182 feet to the place of beginning, except the following: Beginning at a point on the east-west center line of said Section 32, 895.7 feet east of the northwest corner of said East One-Half of the Southeast Quarter; thence South 18 degrees 35 minutes East 139.8 feet; thence West and parallel to the east-west center line of said Section 32, 21.6 feet to a point that is 8 rods south of a point that 24 rods 5.5 feet west of the One-Quarter corner on the east side of said Section 32; thence South 54 degrees 45 minutes West 15 rods; thence North 38 degrees 40 minutes West 351.9 feet to the east-west center line of said Section 32; thence East along the east-west center line of said Section 32, 398.7 feet to the place of beginning.

Parcel 19:

That part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 114 North, Range 21 West, Scott County, Minnesota described as follows: Beginning at the southwest corner of said East Half of the Southeast Quarter of the Southeast Quarter; thence North along the west line of said East Half of the Southeast Quarter of the Southeast Quarter a distance of 1102 feet; thence easterly a distance of 250 feet to the point that is 1104 feet north of the south line of said Section 29; thence southerly a distance of 197 feet to a point that is 268 feet east of the west line of said East Half of the Southeast Quarter of the Southeast Quarter and 607 feet north of the south line of said Section 29; thence southerly a distance of 465 feet to a point that is 226 feet east of the west line of said East Half of the Southeast Quarter of the Southeast Quarter and 144 feet north of the south line of said Section 29; thence southeasterly a distance of 174 feet to a point on the south line of said Section 29 and

323 feet east of the point of beginning; thence West along the south line of said Section 29 a distance of 323 feet to the place of beginning:
Parcel 10:
The Southwest Quarter of the Southwest Quarter of Section 32, Township 114, Range 21, Scott County, Minnesota. This area consists of 535 acres more or less

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. The following words shall have these meanings; "may" or "should" mean permissive and "shall" or "will" are required.

3.1.1. ADDITIVES – Product(s) added to the wastewater or to the SYSTEM(S) with the intent to improve the performance of an individual's sewage treatment system(s).

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

3.3. COMMON PORTION -The common wastewater collection system(s); that portion which begins at the shut-off valve at each property for the connection of each USER thereafter includes all equipment, pumps, sewer lines and appurtenances, treatment and disposal SYSTEM(S) portions of the DISTRICT CSTS SYSTEM(S) which are located in a public easement, or which is located on land owned by Credit River Township. This excludes all SYSTEM(S) components between the dwelling and shut-off valve.

3.4. CONNECTION CHARGE(S) – Reasonable charges for those properties that connect to the DISTRICT CSTS SYSTEM(S). Example of said charges would be the administration and permit fees as well as construction oversight and inspections for connection to the DISTRICT CSTS SYSTEM(S).

3.5. CONTRACTOR(S) - Independent person(s), entity (entities), party (parties) contracted, by the BOARD, to administer, manage, operate, inspect, pump, repair, and enforce or maintain the DISTRICT CSTS SYSTEM(S).

3.6. CSTS – Means Community Sewage Treatment System(s).

3.7. DESIGNATED REGISTERED PROFESSIONAL – Means an individual who is included on the Minnesota Pollution Control Agency's ISTS professional register with specialty area endorsements that correspond to the license, which has been designated by the individual's employer as its representative for work to be done on an individual

sewage treatment SYSTEM(S), and who is subject to the obligations of a license.

3.8. DISTRICT -The Territory Environmental Subordinate Service District created under M.S. § 365A, 115.50 & 444.

3.9. "DISTRICT" CSTS – The "COMMON PORTION" of the DISTRICT CSTS SYSTEM(S) (Community Wastewater Treatment SYSTEM(S)) which includes all equipment, pumps, sewer lines, treatment and disposal SYSTEM(S) portions, and any and all appurtenances of the SEWER SYSTEM(S) which are located in a public easement or which are located on land owned by Credit River Township, as well as the "PRIVATE SYSTEM(S)" portion of the DISTRICT CSTS SYSTEM(S) to the extent that it is managed and maintained by the DISTRICT.

3.10. DWELLING – Means any building or place used or intended to be used by human occupants as a single-family residence and consists of one or more rooms which are arranged, designed or used for human habitation. The term "residence" shall have the same meaning as defined herein.

3.11. EFFLUENT BIO-FILTER – Filtering system, which is placed before a pump, or in a line, and filters particles from the effluent either within or through a wastewater line, pump station, and/or septic tank. Another term for this is "effluent screen" which means a device that filters solid materials from sewage tanks before discharge to a treatment system(s).

3.12. HOLDING TANK – Means a tank for storage of sewage until it can be transported to a point of treatment and disposal.

3.13. INSPECTOR – Party contractually employed by the BOARD which holds the necessary current licensures as a DESIGNATED REGISTERED PROFESSIONAL by the MPCA and is licensed to do Inspections under an Inspector or Designer I license.

3.14. ISTS – Individual Sewage Treatment System(s). Means an individual sewage treatment SYSTEM(S), or part thereof, serving a dwelling, and using sewage tanks followed by both soil treatment and disposal or using advanced treatment devices that discharge below final grade.

3.15. MPCA 7080 STANDARDS - The minimum standards promulgated by the following Agencies: Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, the Scott County Sewage and Wastewater Treatment Ordinance, Scott County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.

3.16. PRIVATE PORTION OF SYSTEM(S) - That portion of the wastewater collection SYSTEM(S) that resides within the individual parcel and lot boundaries of the USERS in the DISTRICT CSTS SYSTEM(S) which begins with the septic and pump tanks and which ends at a point called the shut-off valve leaving their property.

This PRIVATE PORTION connects to that part called the "COMMON PORTION" portion of the DISTRICT CSTS SYSTEM(S) and contributes effluent to the DISTRICT CSTS SYSTEM(S).

3.17. SEPTAGE – Means solids and liquids removed during periodic maintenance of the USER'S individual wastewater system(s), or solids and liquids that are removed from toilet waste treatment devices and/or septic tanks.

3.18. SEPTIC TANK – Means any watertight, single or double compartmented and covered receptacle (sometimes inclusive of a pump tank) designed and constructed to receive the discharge of raw 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(S).

3.19. SEWER - Means a system(s) that carries wastewater.

3.20. ORDINANCE - Means the rules and regulations imposed and enforced by Credit River Township (BOARD).

3.21. USER - Means a resident, inhabitant, owner of land or dwelling that is causing or permitting the discharge of wastewater to the DISTRICT CSTS SYSTEM(S).

SECTION FOUR

GENERAL PROVISIONS AND CONDITIONS

4.1. The DISTRICT is created as an organizational, financing and management tool to operate and administrate the Community Sewage Treatment Collection SYSTEM(S) on behalf and for the landowners (USERS) 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, construction oversight, operations and maintenance, repairs, system(s) upgrades, renovations, inspections, and administration of the wastewater collection system(s) (DISTRICT CSTS SYSTEM(S)) within the DISTRICT pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7080, the Scott County Sewage and Wastewater Treatment Ordinance, the Scott County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.

4.3. The DISTRICT CSTS SYSTEM(S), as defined in Section 3, are any and all appurtenances, inclusive of treatment, disposal and secondary sites and all easements necessary, presently existing or hereinafter acquired, as are found necessary for completion of such SEWER SYSTEM(S)(S) in operating condition adequate to collect

and transmit all wastewater effluent into the SYSTEM(S), 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 consistent with the terms and conditions of Section 5 of the Declaration of Covenants for Territory (Doc. No. T160617 filed on September 13, 2004), to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, repairs, and replacement required on the DISTRICT CSTS SYSTEM(S), or any part thereof. This right of entry is in relationship to performing these tasks in the PRIVATE SYSTEM(S) PORTION area when reasonable and necessary to ensure the proper functioning and maintenance care of the SEWER SYSTEM(S). Such examples of maintenance would include the annual cleaning, repairs and/or emergency replacement of the tank filter and pump, control panel inspections and monitoring, 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(S) 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, control panel which includes the event counter, run time meter and electronic components, and all necessary parts required to maintain said SYSTEM(S) in operating compliance.

4.6. Ownership, of all COMMON SYSTEM PORTION pumps, lines, mains, extensions and appurtenances, treatment and disposal sites thereto of the DISTRICT CSTS SYSTEM(S) shall remain with the BOARD. Those parts referred to as the PRIVATE SYSTEM(S) PORTION of the DISTRICT CSTS SYSTEM(S) are located on private property, belong to, and are under the ownership of the individual USER, but will be under the operations and management of the BOARD.

4.7. It is hereby declared that no USER or other parties, other than authorized personnel are allowed to use or to drive on property used by the BOARD for treatment and disposal of wastewater from the DISTRICT CSTS SYSTEM(S) unless it is for the stated repair and/or maintenance of the wastewater treatment SYSTEM(S) or for the purposes of required inspections by County and public officials or viewing as authorized by the BOARD.

4.8. The BOARD and/or their duly authorized representatives, along with the invitation of the Scott County Environmental Health Department, the Service Management Contractor(s), and any USERS, will annually inspect the physical portion of the DISTRICT CSTS SYSTEM(S), 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 CSTS SYSTEM(S). Closure of the shut-off valve at a USERS site may be initiated to protect the integrity and safety as well as public health of the USERS in the DISTRICT CSTS SYSTEM(S).

4.10. Wastewater Treatment System for the lodge. The wastewater treatment system for the lodge is included within the permit issued by both the MPCA and Scott County for the Territory CSTS. As such, the wastewater treatment system for the lodge shall be served by the Territory CSTS managed by the Township as part of the Territory Subordinate Service District. The lodge shall be treated as seven units for the purposes of rates. The lodge shall be used solely by the residents of Territory for private use, small private parties and shall not be rented to the public or used for catering of events. Further, as the Territory CSTS is designed for domestic strength wastewater use, the lodge shall have no cooking facilities or restaurant capabilities that might allow for grease to flow into the lodge's wastewater system. Furthermore, the lodge's wastewater system shall not be connected in any way to the lodge's swimming pool.

4.11. All present and future USERS within the DISTRICT CSTS SYSTEM(S) 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.

SECTION FIVE

RATES, CHARGES AND CONNECTION TO THE DISTRICT CSTS SYSTEM(S)

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.

5.1.1. Notice of adoption of said rates, fees and charges by resolution, after a public hearing, shall be kept on file and open to inspection in the office of the Credit River 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, as dedicated fund accounts, and will be used to reduce costs allocated to the usage, repair, renovation, system(s) upgrades, and replacement of the DISTRICT CSTS SYSTEM(S).

5.3. The BOARD may, under Minnesota Statutes 366.012 and 429.101, 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(S) 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.

5.4. **INDIVIDUAL SEWAGE TREATMENT SYSTEM(S) IS REQUIRED TO CONNECT TO THE DISTRICT CSTS SYSTEM(S).** All landowners within the DISTRICT will be required to connect to the DISTRICT CSTS SYSTEM(S) upon completion of the COMMON PORTION.

Those landowners that are exempted due to an empty parcel will be required to connect into the DISTRICT CSTS SYSTEM(S) when said exemption is no longer valid.

5.5. **PROCEDURES FOR INDIVIDUAL SEWAGE TREATMENT SYSTEM(S) INSIDE THE DISTRICT THAT CONNECT.** The property owner will comply with the following steps:

5.5.1. **STEP ONE. Written Application**
When a USER wishes to build a home, expand, add a bedroom or additional water appliances to present home such as but not limited to the following: garbage disposal, iron filter, heat pumps, whirlpool tubs, etc, said USER will complete a building permit application, as required by the Scott County Environmental Health Department, the Scott County Shoreland Ordinance, and a determination as to the effect of said permit on the DISTRICT'S CSTS will be completed before approval of said permit. Landowner will notify the Credit River Township Subordinate Service District Administrator requesting service hook-up to the COMMON PORTION of the DISTRICT CSTS SYSTEM(S).

5.5.2. **STEP TWO. Design Flow Considerations prior to approval of Permit.**
Before approval, the BOARD and a licensed Engineer, with a current Designated Registered Professional license by the MPCA, will review and contact the Scott County Environmental Health Department and Township Engineer for consideration of design flow and hook-up to the collection SYSTEM(S). If SYSTEM(S) design is sufficient and there is adequate capacity within the DISTRICT CSTS SYSTEM(S), approval to go forward will be given. Design work will be done pursuant to MN Chapter 7080 code, Scott County Sanitary Code and the requirements of this ORDINANCE, as amended from time to time, and in conformance with the general design considerations of the CSTS as determined by the BOARD.

5.5.3. **STEP THREE. Submittal of All Necessary Permits.**
Upon approval and the necessary permits acquired from the Scott County Environmental Health Department and BOARD, the property owner will submit the following to the BOARD to be placed on file with Scott County and Credit River Township BOARD:

5.5.3.1. A copy of any and all required permits with application and completed design. This is inclusive of all building, accessory, well, and wastewater permits prior and for hook-up, etc.

5.5.4. **STEP FOUR. PERMANENT ACCESS MAINTENANCE EASEMENT.** Prior to final approval and at time of submittal in Step Three above, a PERMANENT ACCESS MAINTENANCE EASEMENT, from the landowner of record, is to be submitted on a form and a legal description acceptable to the Township Attorney and which conveys said easement to the BOARD. Said easement will allow for the following, but not be limited to; construction access, management & perpetual maintenance of any and all portions of the PRIVATE SYSTEM(S) PORTION of the DISTRICT CSTS SYSTEM(S) which are deemed necessary to adequately serve the proposed USER with the DISTRICT'S CSTS SYSTEM(S).

5.5.5. **STEP FIVE. USER Connection to DISTRICT CSTS SYSTEM(S).** Once approved by the BOARD, the Township Engineer, and the Scott County Environmental Health Department, the proposed USER will connect to the SYSTEM(S) under the following conditions:

- On-going supervision, by a licensed INSPECTOR, will be done to insure that the hook-up to the DISTRICT'S SEWER SYSTEM(S) is secure, and will not jeopardize any portion of the present SYSTEM(S). Certificate of Compliance by Scott County to be issued and a copy provided to the Credit River Town Board of Supervisors upon completion of the hook-up and prior to a Certificate of Occupancy. A copy of the as-built drawings as well as any and all necessary pictures to identify the treatment components and location will be submitted to all the necessary parties (County, BOARD and/or BOARD designated Representatives) by the licensed Engineer with current DESIGNATED REGISTERED PROFESSIONAL licensure, showing the final location and construction details for the hook-up to the DISTRICT CSTS SYSTEM(S).

5.6. **CONNECTION COSTS.**

5.6.1. All costs of connection shall be borne by the USER(S) connecting to the DISTRICT CSTS SYSTEM(S). New USER(S) will be required to pay for all construction costs encountered for and on their PRIVATE SYSTEM(S) PORTION, [i.e. septic tank, control panel, building sewer lines, lift pump, lift stations, easement condemnations, etc., when and where necessary] as well as any additional costs that might be required in order to connect into the DISTRICT'S CSTS SYSTEM(S).

5.6.2. The USER will enter into a contract with the BOARD to reimburse the BOARD for all costs incurred in connecting said USER to the DISTRICT CSTS SYSTEM(S) including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection to the DISTRICT CSTS SYSTEM(S). Said costs will be reimbursed to the BOARD within thirty days (30 days) of billing, unless alternate arrangements are made in writing and approved by the BOARD.

SECTION SIX

DAMAGE TO DISTRICT SYSTEM(S) 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 service DISTRICT areas any wastewater other than to the DISTRICT CSTS SYSTEM(S).

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(S) by means of a sump pump, or otherwise.

6.3. All USERS must comply with the provisions of 7080.0065, subp. 3., Chapter 7080, Minnesota Pollution Control Agency's rules, which are incorporated herein and stated as such; "Products containing hazardous waste and hazardous substances must not be discharged to a SYSTEM(S) 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, dry cleaning chemicals, and hair salon chemicals must not be discharged to the SYSTEM(S)".

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

6.4.1. Backwash from Iron Filter systems or other water treatment systems, excluding water softeners. Except as to those homes that have been issued a building permit prior to the adoption of this Ordinance, all backwash water or other flushed water shall be prohibited from being discharged to the individual septic tanks and CSTS system. Excessive iron can precipitate in the treatment or disposal system causing accelerated breakdown and associated operational and maintenance costs. Iron filter systems and other water treatment systems will need to have their backwash discharged to a secondary (onsite) location or be a non backwashing unit (such units manufactured by Culligan, U.S. Filter, or an approved equal)."

6.4.2. 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 DISTRICT'S CSTS SYSTEM(S), or create a condition deleterious to structures, appurtenances, and treatment processes.

6.4.3. 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(S) such as, but are 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.

6.5. The DISTRICT CSTS SYSTEM(S) has been designed to exceed typical household wastewater flows observed in the region. Nevertheless, should water consumption exceed flow design for the DISTRICT CSTS SYSTEM(S), BOARD will initiate any and all water conservation practices including but not limited to the following: prohibiting further water appliances, reduction of water usage, installation of water meters and monitoring of flows with rate changes to reduce water usage until such time as a new design can be completed to address added flows.

6.6. Volumes (flows) of wastewater discharged into the SYSTEM(S) will be considered to be in violation for an individual home when these monitored flows are exceeded:

a. Any weekly flow which exceeds 4,200 gallons which is a 600 gallon per day average
b. Any monthly flow which exceeds 13,500 gallons which is a 450 gallon per day average
c. Any quarterly flow which exceeds 30,000 gallons which is a 335 gallon per day average

The homeowner will be contacted by the BOARD when any such volumes are exceeded. The homeowner will be responsible for immediate action to reduce their flows when contacted. If the homeowner fails to promptly address the excess flows, then the BOARD may take any actions deemed necessary to protect the integrity and safety of the DISTRICT SEWER SYSTEM(S).

6.7. Within the DISTRICT, 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 water supply cannot be shut off].

6.8. USERS will be required to install, repair and maintain water conserving plumbing fixtures and appliances to reduce daily water use. Therefore, the following appliances and fixtures shall be installed to promote and sustain water conservation practices to protect the integrity and long-term effectiveness of the DISTRICT'S CSTS: clothes washing machines using 25 gallons or less per load; toilets with 1.6 gallons or less water usage per flush; automatic dishwashers that use less than 5.5 gallons of water per load; shower heads with flow rates less than 2.5 gallons per minute; and faucets with flow rates of 2.2 gallons or less per minute. Please note that each of these fixture flow limits is also required per the state building code.

6.9. All required installation of said USER plumbing appliances and fixtures must be inspected and verified by a licensed professional plumber. Should the licensed professional plumber determine by his inspection that a home does not have the requisite low flow appliances and fixtures, Scott County shall not issue a Certificate of Occupancy until such time as the home does comply.

6.10. A garbage disposal will be allowed in a new home with the proper design considerations approved by the required permitting authorities that will insure and protect the integrity of the DISTRICT CSTS SYSTEM(S).

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

SECTION SEVEN

VIOLATION(S) ARE 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 Sewage and Wastewater Treatment Ordinance, and/or the provisions of the ORDINANCE contained herein will be subject to notification of violation(s).

7.2. ENFORCEMENT.
This ORDINANCE shall be administered and enforced by the BOARD, or its authorized representative(s). The duly authorized representative(s) may institute appropriate action for any violation(s) of this ORDINANCE at the direction of the BOARD and through the Township Attorney as deemed necessary. 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 misdemeanor fine not to exceed $1000 and/or 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.

7.3. ENFORCEMENT OF ORDINANCE PROCEDURES.

7.3.1. EMERGENCY AND/OR HAZARDOUS WASTE VIOLATIONS.
In the case where a USER knowingly violates the DISTRICT CSTS SYSTEM(S) by discharging waste deleterious or harmful to said DISTRICT CSTS SYSTEM(S) and causes emergency conditions to exist, the BOARD and its duly authorized representatives shall exercise their authorities to close the shut-off valve at the end of the COMMON PORTION and deny further use to offending

USER of the DISTRICT CSTS SYSTEM(S) until said violation(s) has been resolved, fines paid and repair of the DISTRICT CSTS SYSTEM(S) have been completed.

7.3.2. WRITTEN NOTICE.
Upon a violation of this ORDINANCE or an emergency closure of shut-off valve to a USER, said USER will receive a written Notice notifying them of the facts. The notice shall be served in person or by certified or registered mail.

If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or re-certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail. A written notice shall specify the steps to be taken to correct the violation(s), and the time, not to exceed thirty days (30 days), within which the violation(s) must be corrected. If the violation(s) is not corrected within the time specified within the notice, then the BOARD may abate the violation(s) itself after conducting a hearing.

7.3.3. HEARING.
A hearing notice shall be served in the same manner as described above and shall be given at least ten days (10 days) prior to the date of the hearing before the BOARD. In order to expedite matters the BOARD may in its discretion, include notice of the aforementioned hearing in the original notice of violation(s).

7.3.4. If after conducting a hearing on the matter, the BOARD determines that the correction of the violation(s) is necessary to protect the public health, safety and welfare of the DISTRICT USERS, then the BOARD may correct the violation(s), or cause the same to occur, in any manner and using any method that it finds appropriate.

7.4. COSTS TO CORRECT VIOLATION(S).
The cost of and correction of the violation(s) shall be borne by the offending USER(s). If the BOARD undertakes with the correction of said violation(s), it shall bill the landowner and/or USER, for all cost and disbursements associated, including repairs and disposal fees, service fees and attorneys' fees. If the USER does not pay such bill, then the BOARD shall certify such unpaid amounts to Scott County to be assessed against the property and to be collected with property taxes, pursuant to 366.021 and/or 429.101.

7.5. BOARD RIGHT TO SEEK ALL AVENUES OF RELIEF.
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

The BOARD may from time to time amend this ordinance.

8.1. Notice of adoption of said changes by resolution, after a public hearing, shall be kept on file and open to inspection in the office of the Credit River Township Clerk and shall be uniformly enforced.

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 Territory 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.