

FOREST TOWNSHIP
RICE COUNTY, MINNESOTA
ORDINANCE NO. 2006-1

current

**ORDINANCE GOVERNING THE MAPLE SHORES "ENVIRONMENTAL"
SUBORDINATE SERVICE DISTRICT WASTE WATER COLLECTION SYSTEM**

THE TOWN BOARD FOR THE TOWN OF FOREST, RICE COUNTY, MINNESOTA,
HEREBY ORDAINS:

SECTION ONE

AUTHORITY

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

SECTION TWO

INTRODUCTION

The Maple Shores Environmental Subordinate Service District (DISTRICT) was established under Minnesota Statute, Chapters 365A and 444. On August 11, 2004, the DISTRICT began operation for the residents in that part of: all lots in Maple Shores, Lots 1 through 13, Block 1 and Lots 1, 2 & 3, Block 2 and Outlot A and Outlot B according to the plat thereof, in Section 15, Township 111 North, Range 21 West, in Forest Township, in Rice County and expanded portions to the District. The DISTRICT is under the control and management of the Forest 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.

1. **ADDITIVES** – Means products added to the wastewater or to the system in the intent to improve the performance of an individual sewage treatment system.
2. **BOARD** - The Forest Township Board of Supervisors.
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 USERS to the SEWER SYSTEM, less any grant monies used to reduce this cost, divided by the total number of structures connected, including the structure(s) proposed to be connected by the requesting property owner(s).
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 Forest Township.
5. **CONTRACTOR** – Independent person(s) entity (entities), party (parties) contracted, by the BOARD, to manage, operate or maintain the DISTRICT SEWER SYSTEM.
6. **DISTRICT** – The Maple Shores Environmental Subordinate Service District.
7. **MPCA 7080 STANDARDS** – The minimum standards promulgated by the Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, Rice County Sewage and Wastewater Treatment Ordinance, and the Rice County Shorelands Management Ordinance, inclusive of this ORDINANCE, as amended from time to time.
8. **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).
9. **SAC CHARGE** – Sewer Availability Charge. A hood-up connection charge applied to those property owners located outside the original DISTRICT boundaries which are admitted later into the DISTRICT and connect to the DISTRICT SEWER SYSTEM, and vacant lots connected to the system.

10. **SEPTAGE** – Means solids and liquids removed during periodic maintenance of an individual sewage treatment system, or solids and liquids that are removed from toilet waste treatment devices.
11. **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.
12. **SEWER** – Means a system that carries wastewater.
13. **SEWER SYSTEM** – The common wastewater collection system 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 Forest Township.
14. **ORDINANCE** – Means the rules and regulations imposed and enforced by Forest Township.
15. **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

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 Statute Chapter 365A and Minnesota Statute Chapter 444, authorizing the powers herein.
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 Rice County Sewage and Wastewater Treatment Ordinance, Rice County Shoreland Management Ordinance, and this ORDINANCE, as amended.

3. The SEWER SYSTEM shall include all equipment, pumps, sewer lines, and 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. The BOARD, its agents or CONTRACTOR(S) have the right to enter in an 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 reasonably necessary to ensure the proper functioning and maintenance care of the SEWER SYSTEM. Such examples of maintenance would include the annual cleaning, repair and/or replacement of the tank filter and pump, checking the septic tank for sludge and scum, and needed septic tank septage maintenance and removal.
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. This shall include the sewer line, pump tank, pump, biofilter and electrical meter.
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.
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. This is inclusive of driveway to treatment site.
8. The BOARD, along with the invitation of the Rice 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.
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

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 Forest Township Clerk and shall be uniformly enforced.
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.
3. Any wastewater system presently not connect to the SEWER SYSTEM which is located within the boundaries of the DISTRICT will be monitored yearly for on-site treatment compliance [or could require two year annual compliance reports from the landowner] according to MPCA Chapter 7080 Rules and the Rice County Sewage and Wastewater Treatment Ordinance, as amended. At such time that the on-site wastewater treatment system is identified as non-conforming, failing, or an imminent health threat to the property upon which it is located or to nearby landowners, and the landowner is unable to place another standard conforming septic treatment system on the present property, then the property owner will connect (hook-up) the structure to the SEWER SYSTEM and shall pay a SAC charge at the prevailing rate at the time of connection to the SEWER SYSTEM.
4. Existing Individual Sewage Treatment Systems within the DISTRICT.
Any property owner with an existing sewage treatment system which is found to be non-compliant and unable to place another standard conforming septic treatment system on their present property, and is located within the boundaries of the DISTRICT must connect to the DISTRICT'S SEWER SYSTEM. The property owner shall comply with the following steps:
 - A. Property Owner submits a letter of request to the Forest Town Board of Supervisors requesting service hook-up to the common wastewater collection system.
 - B. The BOARD and/or an Engineer will review and contact the Rice County Environmental Health Department of consideration of design flow and hook-up to the collection system.
 - C. Upon approval and the necessary permits acquired from Rice County, the property owner will submit the following to the BOARD to be placed on file with Rice County and Forest Township BOARD:
 1. A copy of the application permit.

2. A copy of the approved design and the registered contractor's and/or professional engineer's proposal for completing the hook-up into the system.
3. An easement allowing construction access, management & perpetual maintenance of the portion of the SEWER SYSTEM which the Forest Town Board deems necessary to adequately serve the property owner's land with the SEWER SYSTEM.
4. Once approved by the BOARD, and the Rice County Environmental Health Department, the property owner will connect to the system under the following conditions:
 - a. Ongoing 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.
 - b. Certificate of Compliance to be issued and a copy provided to the Forest Town Board of Supervisors upon completion of the hook-up.
 - c. A copy of the as-built drawings will be submitted by the registered professional showing the location and construction details for the hook-up.
 - d. All costs of connection shall be borne by the new USER(S) connecting to the SEWER SYSTEM. This USER shall reimburse the BOARD for all costs incurred in connecting USER to the SEWER SYSTEM. Said costs shall be reimbursed within 30 days of billing by the BOARD, unless other arrangements are made in writing and approved by the BOARD.
 - e. In addition, property owners will be required to pay for all construction costs encountered on their PRIVATE PORTION [i.e. septic tank, building sewer lines, lift pump, where necessary, etc.] as well as any additional collection line costs that might be required to connect into the DISTRICT'S common wastewater system collection lines.
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 Maple Shores Environmental Subordinate Service District, pursuant to Minnesota Statute 365A, subdivision 365A.04. Further, those USERS entering the DISTRICT will pay the charges identified in paragraph four (4) and paragraph six (6) below.

6. SEWER AVAILABILITY CHARGES (SAC fees).

The following formula will be used as the sewer availability hook-up charge (SAC charge). 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:

- a. 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, less any grant monies used to reduce this cost, divided by the total number of structures connected, including the structure(s) proposed to be connected by the requesting property owner(s).
 - b. Interest on the Base Connection Fee 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).
 - c. An additional ²⁰⁰⁰ ~~\$1,000~~ sewer availability charge for vacant lots connecting which may be changed from time to time by BOARD resolution.
 - d. In addition, property owners will be required to pay for all construction costs incurred on their PRIVATE PORTION [i.e. septic tank, building sewer lines, lift pump, ~~where necessary~~, ^{private township maintenance inspector fees}, 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.
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, Rice County's regulations for individual sewage treatment systems, and the Rice County Shoreland Management Ordinance, as amended.
8. The BOARD may, under Minnesota Statute 366.012, certify each year to the Rice 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 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

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.
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 liens, swimming pools, into the DISTRICT'S SEWER SYSTEM by means of a sump pump, or otherwise. Pursuant to Chapter 7080, Minnesota Pollution Control Agency's rules under 7080.0065, subp.3. it states that footing or roof drainage and chemically treated hot tubs and pool water shall not enter any part of a system. 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.
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:
 - a. Any gasoline, antifreeze, fuel oil, latex paint, oil and/or chemical solvents, other hazardous oils, or other flammable or explosive liquids, solids or gas.
 - b. 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 SEWER SYSTEM, or create a condition deleterious to structures and treatment processes.
 - c. 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, 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.

- d. No USER shall connect a garbage disposal, water softener or water-use appliance such as a dishwasher, etc. to the DISTRICT'S SEWER SYSTEM without prior notice to the BOARD by written request. Approval will not be necessary for repair or replacement of a water-use appliance existing prior to implementation of this ORDINANCE.
- e. When a USER wishes to expand or add a bedroom to present home, said USER will complete a permit, as required by the Rice County Sewage and Wastewater Treatment Ordinance, and a determination as to the effect on the DISTRICT'S SEWER SYSTEM will be completed before approval of said permit.
- f. Within the DISTRICT, USERS are strongly encouraged to use non-phosphorous products.
- g. USERS will be required to shut off main water supply when home is not occupied for a period exceeding four (4) consecutive days. Upon written request from a USER, the Forest Township Clerk may grant an exception for a necessity [i.e. when a heat pump cannot be shut off].
- h. USERS, when replacing their present water appliances, 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.
- i. Pursuant to Chapter 7080, Minnesota Pollution Control Agency rules, under 7080.0175, subp.5, Additives, it states the following: Individual sewage treatment system additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the septic tank as specified in this part. Individual sewage treatment system additives that contain hazardous substances must not be used in individual sewage treatment systems.

SECTION SEVEN

VIOLATION IS A MISDEMEANOR

1. Any person who willfully or negligently violates any provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules, the Rice County Sanitary Ordinance and Shoreland Management Ordinances, and/or the provisions of the ORDINANCE contained herein will be subject to notification of violation. The County of Rice, through an agreement with the BOARD, will process any violations when so notified by the BOARD.
2. 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 \$700 and imprisonment not to exceed 90 days. Each day of non-compliance with any of the terms of this ORDINANCE shall be considered a separate violation and a separate criminal act.
3. The BOARD reserves the right to prosecute in criminal court for recovery and/or restitution of damages done by a USER or other parties to the DISTRICT'S SEWER SYSTEM.

SECTION EIGHT

AMENDMENTS OR CHANGES

1. The BOARD may from time to time amend this ordinance.
2. Thirty (30) calendar days written notice shall be provided to all property owners located in the DISTRICT before any amendments or changes to this ORDINANCE are adopted by the BOARD. 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 Forest Township 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 Maple Shores Environmental Subordinate Service District shall take effect and be in full force immediately following its adoption and publication by the Forest Town Board of Supervisors.