

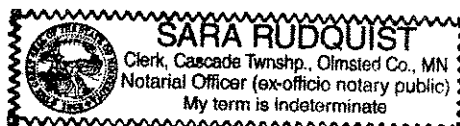
Sewer Ordinance – Cascade Township
Ordinance No. 2022.01.01

**AN ORDINANCE ESTABLISHING REGULATIONS AND CHARGES
REGARDING A WASTEWATER COLLECTION SYSTEM FOR THE CASCADE
TOWNSHIP SUBORDINATE SERVICE DISTRICT**

Drafted By and Return to: Cascade Township
Sara Rudquist, Clerk
2025 75th Street NE
Rochester, MN 55906

Published in Summary Form in the Rochester Post Bulletin on 29 day of January, 2022.

Attest: Sara Rudquist
Sara Rudquist, Clerk



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TOWNSHIP SUBORDINATE SERVICE DISTRICT**

The Township Board of Supervisors of Cascade Township ordains:

- Section 1. Purpose and Findings
- Section 2. Definitions
- Section 3. General Provisions
- Section 4. Use of Wastewater Collection Facilities Required
- Section 5. Prohibitions and Use of Public Wastewater Collection System
- Section 6. Wastewater Service Charges
- Section 7. Penalties and Enforcement
- Section 8. Miscellaneous

Published in Summary form and effective upon publication. A complete copy of the ordinance is available by contacting Sara Rudquist, Township Clerk, at cascadownclerk@outlook.com.

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REGARDING A WASTEWATER COLLECTION SYSTEM FOR THE CASCADE
TOWNSHIP SUBORDINATE SERVICE DISTRICT**

The Township Board of Supervisors of Cascade Township ordains:

SECTION 1
Purpose and Findings

101. Purpose

The purpose of this ordinance (the “Ordinance”) is to impose regulations, establish charges, and impose penalties related to the wastewater collection system established by Cascade Township (the ‘Township’) to provide wastewater collection services to properties located within the Cascade Township Subordinate Service District (the “District”) established by the Cascade Township Board of Supervisors, Olmsted County, Minnesota (the “Township”) pursuant to its authority under Minnesota Statutes, Chapter 365A.

102. Findings

The Township Board hereby finds and determines as follows:

1. The Minnesota Pollution Control Agency identified a need to address wastewater issues within the following area of Cascade Township: Hallmark Terrace Mobile Home Park and Zumbro Ridge Mobile Home Park. The Township Board expressed a willingness to consider the establishment of a subordinate service district as a means to address the need and to seek funding from the State to install a wastewater collection system in the area;
2. The Township undertook, with the assistance of a community wastewater facilitator, an effort to inform the owners within the area of wastewater issues by holding public meetings;
3. The Township Board held a public hearing regarding the formation of the District on January 21, 2022. The Township Board provided the required notice to the property owners, considered the proposed district and heard from those who wished to speak to the matter and those who provided written comments;
4. On January 21, 2022, the Township Board held a public hearing to adopt Resolution No. 2022.01.20, which established the District;

5. The wastewater Collection System is being developed and State funds have been applied for to provide approximately 80% of the cost of the wastewater project.
6. The Township has held meetings with the City of Rochester who offered the ability to connect the Cascade Township Collection System to the City of Rochester treatment facilities. An orderly annexation agreement will be signed.
7. Installation of the Collection System includes the Township performing all work required to construct the system and to install the equipment and materials needed to connect the building drain on each property in the District to the treatment facilities at the City of Rochester. Each of the mobile home parks will maintain ownership and responsibility for their existing sanitary sewer collection systems and shall ensure maintenance and upkeep of the same to applicable codes and regulations. The 'building drain' for each mobile home park shall be considered the main sewer line that collects all wastewater from the individual mobile homes within the park.
8. The District shall consist of those properties identified within Resolution No. 2022.01.20 as adopted by the Township Board.

SECTION 2 Definitions

The following words and phrases shall have the meanings ascribed to them in this section. If not specifically defined in this section, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

1. **Act:** The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended (33 U.S.C. 1251 et seq.).
2. **Authorized Representative:** The person or persons delegated authority by the Township Board to administer and enforce any portion of this Ordinance.
3. **Building Drain:** The 'building drain' for each mobile home park shall be considered the main sewer line that collects all wastewater from the individual mobile homes within the park.
4. **Collection System:** The term referring to the entire wastewater services provided by Cascade Township, but when referencing duties to repair or maintain infrastructure, this term does not include the private collection systems at the two mobile home parks served by the Collection System.

5. **Township Board:** The Board of Supervisors for Cascade Township, Olmsted County, Minnesota.
6. **District:** The subordinate service district established by the Township Board under Minnesota Statutes, Chapter 365A by adoption of Resolution No. 2022.01.20 on January 21, 2022 to provide wastewater collection and treatment services to those properties identified in the Resolution and referred to as the Cascade Township Subordinate Service District.
7. **Owner:** The person or persons identified on the County's tax records as the owner of a property within the District.
8. **Person:** A natural person, partnership, corporation, association, or other legal entity, but not the Township.
9. **Service Connection:** The delineation of the service connection is considered to be the point of connection between the existing private collection system and the new Sewer Main within the two mobile home parks. All existing sanitary sewer infrastructure will be considered related facilities and will continue to be owned and maintained by the mobile home parks.
10. **Sewer Main:** A reference to that part of the Collection System which conveys wastewater from the Service Connection to the City of Rochester Treatment System. The Sewer Main will be located in the public right-of-way and/or easements and owned by Cascade Township.
11. **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 including, but not limited to, storm water, natural precipitation, groundwater or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, swimming pools, cistern overflows, or water discharge from any air conditioning unit or system.
12. **Wastewater:** Liquid and water-carried wastes from users within the District discharged from building drains and typically referred to as sewage.
13. **Wastewater Treatment Facilities or Treatment Facilities:** The infrastructure owned by the City of Rochester which may include the City's collection system and the City of Rochester Reclamation Plant that treats, recycles and reclaims the wastewater and the disposal of residues resulting from such treatment.

SECTION 3 General Provisions

301. Authorized Representative

The Township Board shall have control and general supervision of the Service Connection and the Sewer Main which serve the Cascade Subordinate Service District, and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient system is maintained for collection of wastewater generated within the District. The Township Board may delegate responsibilities and authority for the administration and enforcement of this Ordinance, or portions thereof, to one or more designated representatives. Such person or persons shall serve as the Township's Authorized Representative for the purposes of this Ordinance within the scope of the Township Board's delegation.

302. Inspections

In order to provide for the proper operation of the Collection System and to prevent an occurrence that could threaten the public health, safety, or welfare, the Authorized Representative, bearing proper credentials and identification, shall be permitted to enter properties within the District at reasonable times as needed for inspection, observations, measurement, sampling, testing, repair, and maintenance of the service connection or other portion of the Treatment Facilities.

303. Maintenance

The Township shall develop and implement an operations and maintenance plan for the Collection System to provide for its ongoing operation. The Township shall review and update the plan as needed and shall enter into such contracts as the Township Board determines is appropriate to provide for the continued operation and maintenance of the Collection System in accordance with the plan.

Existing Collection System infrastructure within the two mobile home parks will continue to be owned and maintained by each mobile home park. Each mobile home park shall be considered the owner of the system located on its property and must maintain the system in accordance with the requirements of this Ordinance and all applicable local state and federal rules and regulations. No person shall make any repair, alteration, or connection to the Collection System without a written permit from the Town Board, and all requirements of such permits satisfied.

SECTION 4 Use of Wastewater Collection System Facilities Required

401. Connection Required

Any existing buildings used for human habitation and located within the District shall connect to the Collection System as part of the project when such facilities are installed and capable of

handling the wastewater as determined by the Township. The mobile home parks shall provide for the installation of the service connection on parcels within the parks.

402. Private Wastewater Disposal

It shall be unlawful to construct, maintain, or use any individual sewage treatment system or other private facility intended or used for the disposal of wastewater within the District once connection to the Collection System is available. This ordinance does not apply to properties located outside of the District, and the Owners of such properties shall be responsible for providing and maintaining an appropriate private wastewater disposal system in a sanitary manner that complies with all applicable federal, state, and local laws, rules, regulations, and ordinances.

403. Building Sewers and Connections

- 1. No Additional Connections Allowed.** It shall be a violation of this Ordinance and unlawful for any person to connect to, or make any alterations of the Collection System or any appurtenances thereof without first obtaining written permission from the Township Board and complying with all terms and conditions placed on the permission.

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SECTION 5
Prohibitions and Use of Public
Wastewater Collection System

501. Unpolluted Water

It is unlawful for a person to discharge or permit the entry of Unpolluted Water into the Collection System or to make or maintain a connection between any conductor used to carry Unpolluted Water discharge and the Collection System.

502. Damage Prohibited

No person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Collection System or Sewer Main.

503. Prohibited Discharges

Discharges of the following substances shall be prohibited or limited to concentrations or quantities that will not harm the Collection System, Sewer Main or any part of the City of Rochester sewage treatment system, streams, soils, vegetation, ground water, and will not otherwise create a hazard or nuisance. It shall be unlawful for any person to discharge any of the following into the system:

1. Liquids, solids, gases or other substances which singly or by interaction with others may cause fire or explosion;
2. Solid or viscous substances which may cause obstruction to the flow in a sewer;
3. Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in the Treatment Facilities or other interference with the proper operation of the system;
4. Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard;
5. Wastewater containing toxic pollutants, as defined in Section 307(a) of the Water Pollution Control Act and Minnesota Statutes, section 115.01, subdivision 20;
6. Wastewater having a temperature greater than 150 degrees (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the Treatment Facilities to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will be detrimental to biological activity in the Treatment Facilities;

7. Wastewater containing fats, wax, grease or oils in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C);
8. A discharge of water or wastewater which in connection or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation;
9. Food wastes not properly shredded to such a degree that all particles will be carried freely under normal flow conditions with no particle greater than two inches in any dimension;
10. Noxious or malodorous liquids, gases or solids that may create a public nuisance;
11. Wastewater with objectionable color not removed in the treatment process;
12. Wastewater containing inert suspended solids in such quantities that would cause disruption to the Wastewater Treatment Facilities;
13. Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations;
14. Wastewater that exceeds concentrations of a residential user, except as may be permitted by specific written agreement with the Township Board; or
15. Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state or federal regulation.

504. Corrective Actions

In the event of discharges to the Treatment Facilities which contain substances or possess characteristics prohibited by this Ordinance, or which, in the judgment of the Authorized Representative, may have a deleterious effect to the treatment facility, receiving water, soils, vegetation, or which create a hazard to nuisance, the Authorized Representative may take one or more of the following actions:

1. Refuse to accept the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (as it may be amended);
3. Require control over the quantities and rates of discharge or the installation of an interceptor; or

4. Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

The Owner shall be responsible for all costs associated with implementing and maintaining the required corrective action.

505. Dilution

No person shall 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 Ordinance, federal pretreatment standards, or any other federal, state or local requirements.

506. Obstructions

No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the Treatment Facilities. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the Treatment Facilities, or unfit for the purpose of drainage, the Owner shall make repairs as directed by the Authorized Representative or shall be responsible for the costs incurred by the Township to clear such obstruction. Such costs shall constitute a service charge the Township may collect if authorized by statute.

507. Recovery of Costs

In addition to penalties that may be imposed for violation of any provision of this Ordinance, the Township Board may impose and collect the costs of repairing or restoring any portion of the Treatment Facilities damaged by the willful or negligent acts of an Owner or occupant of property or as a result of the discharge of prohibited substances. Such costs may be collected against the Owner of the property as an additional charge for use of the Collection System imposed through the District as a service charge.

SECTION 6
The Wastewater Service Charges

601. Established

The Township Board hereby establishes a system of charges to pay for the establishment and construction of the system, and to provide for the ongoing administration, operation, maintenance, repair, improvement, and replacement of the Collection System as the Township Board determines necessary. The following charges shall apply within the District and the specific amounts of such charges shall be set by Township Board:

- 1. Wastewater Collection System Establishment Charge.** The “Wastewater Collection System Establishment Charge is hereby established as a service charge imposed on properties within the District to pay all costs associated with the establishment of the District and the construction of the system including, but not limited to, all professional fees, administrative costs, treatment site acquisitions costs, contracting costs, construction costs, an amount determined necessary to repay the debt incurred to establish and construct the system, and all other costs, fees, charges, and expenses incurred by the Township to install the Collection System and to make it operational. The amount of the Wastewater Collection System Establishment Charge shall be determined by the Township Board and the Township shall mail notice of the total amount of the charge to the Owners within the District. If the Township Board determines to allow prepayment of the service charge, the terms of such prepayment shall be set out in the notice together with a deadline by which it must be paid. The Township shall certify the amount of the service charge to the County Auditor to be placed on the taxes of the properties in the District for collection over a period established by the Township Board, but not to exceed 20 years.

The establishment fee as determined by the Township Board shall be imposed on all other parcels within the District.

- 2. Wastewater Service Charge.** The wastewater service charge is hereby established and is imposed to raise sufficient funds to pay for the ongoing service availability, use, operation, inspection, maintenance, and repair of the Collection System as well as to pay for any improvements or replacements to the system. The wastewater service charge shall be in the amount determined by the Township Board each year and shall be certified to the County Auditor for collection together with the taxes imposed on the properties within the District. The wastewater service charge shall be divided among all parcels connected to the system based on the cost distribution worksheet attached to this ordinance. All parcels within the District will be charged based on the cost distribution worksheet attached as Exhibit A and by this reference made a part hereof.

602. Other Charges

Nothing in this Ordinance shall limit the Township Board's authority to impose and collect such other charges, fees, levies, or assessments on properties in the District as the Township Board determines are appropriate pursuant to its subordinate service district authority or any other authority available to it under law.

603. Wastewater Funds

The Township Board shall establish such funds as it determines is appropriate for the repayment of the debt incurred related to establishment of the system and for the revenues collected through the charges imposed within the District.

604. Administration of the Service Charges

A designated representative shall maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement, and debt retirement costs for the system and shall furnish the Township Board with a report of such costs at least annually. The Township Board shall review the report and determine whether sufficient revenue is being generated for the effective management and operation of the Collection System and debt retirement. If necessary, the wastewater service charge shall be modified to ensure the continued proper operation of the system. The Township shall provide Owners within the District notice of any changes in the amount of the charges.

SECTION 7

Penalties and Enforcement

701. Penalty

Any person found to be in violation of any provision of this Ordinance shall be guilty of a misdemeanor, as defined in Minnesota Statutes, Section 609.02, and may be prosecuted accordingly. Each day a violation continues shall be deemed as a separate offense.

702. Notice of Violation

The Authorized Representative is authorized to issue a written notice of violation to any person found in violation of this Ordinance. The notice shall identify the violation, what must be done to correct it, and provide a time by which the person must come into compliance. A notice of violation may be provided to the occupant of the property or mailed to the Owner.

703. Enforcement

The Township may enforce this Ordinance, in the Township Board's discretion, through criminal prosecution, the institution of a civil action, or both. The cost of prosecution may be added to any fines or other penalties imposed as authorized by Minnesota law. The person that is the subject of a civil enforcement action shall be responsible for paying the Township's costs related to such action. The Township may collect the costs it incurs to enforce this Ordinance by certifying the amount to the Auditor for collection with the property taxes imposed on the property as part of the system of charges imposed under the subordinate service district authority or as a service charge if authorized by statute. The Township will provide the property Owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the Auditor shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

SECTION 8
Miscellaneous

801. Compliance

Owners and occupants of properties located within the District are required to comply with the requirements of this Ordinance as well as all other applicable federal, state, and local laws, rules, regulations and ordinance and shall obtain all other permits and permissions as may be required. Nothing in this Ordinance shall be deemed a waiver of any other applicable law, rule, regulation or ordinance, or the establishment of a lower standard or requirement. It is the intent of this Ordinance to protect the Treatment Facilities so they continue to function properly and remain available for all users. Those persons who fail to comply with the requirements of this Ordinance shall be required to fully reimburse the costs incurred by the Township to enforce this Ordinance and to collect or repair any damage done as a result of the violation.


802. Controlling

This Ordinance applies and is controlling with respect to the Collection System established for the District. The Township Board may amend this Ordinance as it determines appropriate and all motions and resolutions adopted related to the District, including those related to the charges imposed on the properties within the District, shall apply in addition to this Ordinance.

803. Adoption

The Cascade Township Ordinance Establishing Regulations and Charges Regarding the Collection System for the Cascade Subordinate Service District is hereby adopted by the Cascade Township Board of Supervisors on the 21 day of January, 2022.





Chairperson
Cascade Township Board of Supervisors

ATTEST:



Sara Rudquist, Cascade Township Clerk

EFFECTIVE DATE: January 29, 2022

Exhibit A Cost Distribution Worksheet

	<u>Number of Properties</u>	<u>Developable Acres</u>	<u>REUs*</u>	<u>Distribution Percentage</u>
Hallmark Terrace	1	21.00	88.4	52.71%
Zumbro Ridge Estates	1	22.00	79.3	47.29%
Totals		43.00	167.7	100.00%

* - Residential Equivalent Units (REUs)

Assumptions

The Collection System serves two mobile home parks, Hallmark Terrace, and Zumbro Ridge Estates, each of which is referred to herein as an "MHP."

Each mobile home or mobile home lot is considered to be equivalent to 65% of a single residential parcel.

Cost distribution (s) are based on full buildout of each MHP (136 lots for Hallmark Terrace, 122 lots for Zumbro Ridge Estates).

No subdivision of parcels or additional connections will be permitted. No new development will take place within the District and no new structures will be added to the system.