

**Town of White
St. Louis County
State of Minnesota**

Ordinance No. 2013-01

An Ordinance Establishing Rules and Regulations Relating to Water and Sewer Use, Utility Availability, Connection Charges and Operating Charges.

The Town of White hereby ordains:

Section 1. Utility Availability and Connection Charges. It is the purpose of the Ordinance to establish and impose just and equitable charges for the availability of certain utility systems, including waterworks systems, sewer systems, and related facilities, and for the connections therewith, to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of such facilities. Such charges are authorized and shall be determined and imposed in accordance with Minnesota Statute Section 444.075.

Section 2. Adoption of City of Aurora Water and Sewer Ordinance by Reference.

Subd. 1. Adoption of Aurora Ordinance Section 3.30. The City of Aurora, Minnesota, Water and Sewer Ordinance Section 3.30, attached hereto as Exhibit A, is hereby adopted in its entirety by reference, except that all references to "City" contained in Exhibit A shall be deemed references to the Town of White.

Subd. 2. Adoption of Aurora Ordinance Section 3.40. The City of Aurora, Minnesota Water and Sewer Ordinance Section 3.40, attached hereto as Exhibit B, is hereby adopted in its entirety, except that:

- a. All references to "City" contained in Exhibit B shall be deemed references to the Town of White.
- b. Section 3.40, Subd. 3, Paragraph M.1., of City of Aurora Water and Sewer Ordinance shall be modified to read as follows:

M. Every person owning real estate that discharges into the Town's sanitary sewer system shall allow an employee of the Town or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the Town inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Section.

1. Any person refusing to allow their property to be inspected or refusing to furnish a licensed plumber's certificate within fourteen (14) days of the date Town employees or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this Section shall make the necessary changes to comply with this Section and furnish proof of the changes to the Town by the earlier of: i) within 120 days of the effective date of this ordinance, or ii) prior to connection to the Township's sanitary sewer system.

c. Section 3.40, Subd. 4, Paragraph A., of City of Aurora Water and Sewer Ordinance shall be modified to read as follows:

A. It is unlawful for any person to discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Any person, firm or corporation having a roof, sump pump, drain tile, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same within 120 days of the effective date of this ordinance. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the Public Works department or its designated agent.

Subd. 3. Adoption of Aurora Ordinance Section 3.99. The City of Aurora, Minnesota Water and Sewer Ordinance Section 3.99, attached hereto as Exhibit C, is hereby adopted in its entirety, except that all references to "City" contained in Exhibit C shall be deemed references to the Town of White.

Section 3. Extraterritorial Utility Service. The Town of White shall not allow any user from outside its governmental limits to extend lateral and/or trunk lines into its water or wastewater systems without the prior written approval of the City of Aurora.

Section 4. Connection Charges. Connection charges shall be levied against a property whenever a connection is made to the Town of White sewer and/or water system at a rate fixed by the Town Board, as adopted by resolution, and may be amended from time to time. The connection fees are charged on a per unit basis and shall be collected at the time of application.

Subd. 1. Permit and Fee. No connection shall be made to the Town's water or sanitary sewer lines without a permit received from the Town Office Manager. The fee for such permit shall be set by Town Board resolution. These fees shall be in addition to any fees required under Subdivisions 2, 3, and 4.

Subd. 2. Connection Fees.

- a. When a connection requires installation of a service line from the Township's main to the property, the applicant for a permit shall pay to the Town an amount not less than the cost of making the necessary connection, taps, and installation of lines and appurtenances to provide service to the property and the necessary street repairs. When a new customer is added, a meter blank must be installed for future metering of water/sewer usage.

- b. All properties connecting to the Township's municipal sanitary sewer or water service shall pay the applicable connection fees set out below, except that this charge shall not apply for a water or sewer connection that is connected to the City of Aurora's sewer or water utilities on the effective date of this ordinance. These connection charges shall be in addition to the SAC and WAC charges set out elsewhere in this ordinance. The connection charges shall be:

Municipal Water Connection Charge: \$1000.00
Sanitary Sewer Connection Charge: \$1000.00

Section 5. SAC and WAC Charges.

Subd. 1. Calculation of SAC and WAC Units. All properties connecting to the Township's municipal sanitary sewer or water service shall pay the applicable Sewer Availability Charge (SAC) and Water Availability Charge (WAC) charged to the Town of White by the City of Aurora prior to connecting to such utilities, if applicable. All commercial and industrial users seeking to connect to the Township's utilities shall first supply to the Township information describing its wastewater constituents, characteristics, and type of activity and any plans and specifications or other information considered pertinent in the judgment of the City or the Township's Engineer. From this data, the Township shall compute the residential equivalent units of water and sewer capacity that apply to such use, and shall use this measure to calculate the applicable SAC and WAC fees. The Township shall use the Metropolitan Council adopted formula (standard for MN) to calculate SAC and WAC units. The fees are used for payment of reserve capacity per MN Statute 473.517 subd. 3. Each SAC and WAC unit shall equal the use of 274 gallons of water per day.

Section 6. Term of Application. Applications for Water Access and Sewer Access are good for a period of one year from the application date, with no extensions. Any connection charges paid to the Township are forfeited to the Town if connection is not made within a year from the application date.

Section 7. Industrial and Commercial User Meters. All commercial and industrial users connected to Town of White municipal water shall install water meters of the type and in a location as directed by the Township. Said meters shall meter all municipal water used on the

premises. The property owner shall purchase such meter from the Township at the Township's cost, and the property owner shall install such meter at the owner's expense.

Section 8. Utility Availability Charges.

Subd. 1. Sanitary Sewer Charges Authorized. A minimum sanitary sewer availability charge shall be imposed against the owner of all properties containing a structure with sanitary facilities to which the Town's sanitary sewer system is reasonably available. All such charges shall be set by resolution of the Board of Supervisors of the Town of White.

Subd. 2. Municipal Water Charges Authorized. A minimum municipal water availability charge shall be imposed against the owner of all properties: 1) containing a structure with sanitary facilities to which the Town's municipal water system is reasonably available; or 2) containing a structure that does not have sanitary facilities but which is connected to the Town's municipal water system. All such charges shall be set by resolution of the Board of Supervisors of the Town of White.

Subd. 3. Metered Charges. In addition to the minimum sanitary sewer availability charge and the minimum municipal water availability charge, commercial and industrial users shall pay a charge for the amount of water used. Said charges shall be set by resolution of the Board of Supervisors of the Town of White.

Subd. 4. Sewage Surcharges. In the event the Township is charged extra sewage discharge fees by the City of Aurora as a result of a property in the Township which discharges sewage with a higher than average discharge amount, biological oxygen demand, total suspended solids, elevated temperature, unusual chemical, or any other property which makes such sewage harder or more expensive to treat, the Township may pass such excess charges through to the discharging property as a monthly sewage surcharge.

Subd. 5. Fines and Penalties. Whenever the Township or the City of Aurora is fined by any governmental agency, or is made liable for damages to a third party, all as a result of a use of the Township's water or wastewater system by a person or entity in violation of this ordinance, the Township may add such fine or penalty as a supplemental charge to the billing of the property which caused such violation of this ordinance.

Section 9. Accounting, Billing, and Collecting

Subd. 1. Accounts in Name of Owner. All accounts shall be carried in the name of the owner who personally, or by his/her authorized agent, shall apply for such service. The charge for application shall be \$25.00. The owner shall be liable for water and sewer service supplied to his/her property, whether he/she is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for Service. Water and sewer service charges shall be billed together. Bills shall be mailed to the customer at intervals determined by Town Board resolution.

Subd. 3. Meter Readings (when applicable). It is the responsibility of commercial and industrial customers to read their water meter at intervals required by resolution of the Town Board and to submit such readings to the Town for billing purposes. Failure to submit meter readings will result in additional charges or disconnection of water service until a meter reading is provided to the Town.

Subd. 4. Delinquent Accounts. All charges for water and sewer service shall be due on the due date specified by the Town in the billing. All charges authorized by this chapter shall be imposed against the owner of the premises or against the owner and occupant, jointly and severally, if the premises is not owner-occupied. The owner shall be responsible for monitoring and shall be liable for water and sewer service supplied to the owner's property, whether the owner is occupying the property or not, and all charges shall be a lien upon the property until paid. All charges shall be due and payable as provided in this chapter or as provided by separate resolution of the Town Board or by administrative billing statement, if not provided in this section. Any unpaid charges shall constitute a lien against the premises from and after the date they were due and unpaid and shall be certified to the county auditor for collection with taxes. All delinquent accounts shall be assessed a late penalty of ten percent (10%) for the amount due, and in addition the cost of service of the notice of delinquency.

In any case, where satisfactory arrangements for payment have not been made, the Township Office Manager may, after the procedural requirements have been complied with, discontinue service to the delinquent customer by shutting of the water at the stop box and/or removal of the water meter. When water service to any premises has been disconnected, service shall not be restored except upon the payment of all delinquent bills and a fee of \$50.00. Delinquent accounts shall be certified to the Township Office Manager who shall prepare an assessment roll each year providing for certification to the County Auditor of the delinquent amounts against the respective properties served. The assessment shall be delivered to the Board for adoption on or before November 1 of each year for certification to the County Auditor for collection along with the taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Section 10. General Provisions.

Subd. 1 Revenues. All revenues and moneys derived from the operation of the water/wastewater lines shall be deposited in a separate fund. All such moneys and revenues shall be held by the Treasurer separate and apart from the private funds and separate and apart from all other funds of the Town. The Treasurer shall receive all such revenues from the lines and all other funds and moneys incident to the operation of systems as the same may be delivered to them and deposit the same in the account of the fund designated by the Board. Said Town Treasurer shall administer such fund in every respect in the manner provided by statute.

Subd. 2. Accounts. The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer system, and at regular intervals, he/she shall cause to be made an audit by an independent auditing concern of the books as required by law to show the receipts and disbursements of the water/sewer systems.

Subd. 3. Access to Records. The Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Town which are applicable to the Town system of User Charges and Industrial Cost Recovery for the purpose of making audit, examination, excerpts and transactions thereof to insure compliance with the terms of the Special and General Conditions to any Federal Grant.

Subd. 4. Penalties. Any person found to be violating any provision of this Ordinance, including all ordinances adopted herein by reference, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, except when the violation causes or is likely to cause immediate damage to the sewer or water system or injury to others, in which case the Township may take whatever action is necessary to prevent or mitigate such damage or injury, including requiring the offender to cease such violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town may revoke any permit for water/sewage disposal as a result of any violation of any provision. It is unlawful for any person to continue any violation beyond the time limit provided for herein. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this ordinance shall become liable to the Town by reason of such violation. The Town, or its representative, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Section. The Town, or its representative, shall have no authority beyond that point having direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment and that point having direct bearing on the integrity of the Township's municipal water system.

Section 11. Effective Date. This ordinance shall become effective immediately upon passage and publication.

Adopted this 2nd day of May, 2013.



Edward Kippley, Town Board Chair



Jodi Knaus, Office Manager/Clerk