

LAKE ALLIE ENVIRONMENTAL SUBORDINATE SERVICE DISTRICT
WASTEWATER COLLECTION SYSTEM(S) ORDINANCE

(County Board Amended September 14, 2004)

(County Board Amended November 22, 2016)

The Renville County/Lake Allie Environmental Subordinate Service District (District) was established under Minnesota Statutes, Chapters 375B and 444. On July 28, 1998, the District began operation for the residents, as referenced in “Renville County/Lake Allie Environmental Subordinate Service District Deed Book/Maps,” in parts of Sections 33 and 34, Township 116 North, Range 31 West, Boon Lake Township, in Renville County. The District is under the control and management of the Renville County Board of Commissioners (Board). The establishment and operation of the District are necessary and conducive to the public health, safety, welfare, and convenience of the District and its inhabitants, that the collection of Wastewater confers direct and indirect benefits to the inhabitants for which reasonable rates and charges may be imposed.

SECTION ONE

AUTHORITY

The Board, pursuant to authority granted under Minnesota Statutes, Chapter 375B and Chapter 444, enacts the following rules and regulations to govern the District for the health, safety, and welfare of the Users and members.

SECTION TWO

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 clearly indicates otherwise.

Base Connection Charge – A charge to a User for connection to the District Sewer System. The fee includes the capital costs, administrative fees, interest charges, and other costs related to the engineering, design, and construction of the District Sewer System.

Board – The Renville County Board of Commissioners and its representatives herein.

Building Sanitary Sewer System – That part of the Wastewater system which extends from the end of the building drain and conveys its discharge to the Grinder Station connection, the beginning of the District Sewer System.

Capital Costs – The reasonable and necessary costs and expenses incurred by the District in planning, designing, financing, and constructing the Sewer and obtaining service including, but not limited to, costs and expenses for obtaining necessary permits, licenses, approvals, and grants for design and construction costs and fees for legal and consulting services.

Department – The Renville County Division of Environment and Community Development.

District – The Renville County/Lake Allie Environmental Subordinate Service District and its residents within the boundaries and as stated and referenced in the “Renville County/Lake Allie Environmental Subordinate Service District Deed Book/Maps.” The Deed Book/Maps is kept in the office of the County Recorder.

District Sewer System – The public Wastewater collection system(s) which includes all equipment, pumps, Grinder Stations, sewer lines, and other accessory apparatus of the system which is located in a public easement or road right-of-way, or which is located on land owned or under easement by the District or Renville County.

Grinder Station – A pump station installed to pump Wastewater from the Building Sanitary Sewer System into the District Sewer System. A Grinder Station includes the pump basin, pump, pump controls and electrical wiring from pump control to pump, and other appurtenances. The Grinder Station is considered to be part of the District Sewer System.

MPCA – Minnesota Pollution Control Agency.

MPCA 7080 Standards – Minimum standards promulgated by the Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, and the Renville County Sewage and Wastewater Treatment Regulations and all acts amendatory thereof. These standards will be used in the identification of compliant and non-compliant septic systems.

Natural Outlet – Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Ordinance – Lake Allie Environmental Subordinate Service District Wastewater Collection System(s) Ordinance.

Service Connection – The connection of the Building Sanitary Sewer System to the District Sewer System.

Sewage – Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources and includes household cleaners, medications, and other constituents in Sewage restricted to amounts normally used for domestic purposes.

Sewer – A system that carries Wastewater.

Sewer Availability Charge (SAC Charge) – A one-time charge applied to Users for each new Service Connection to the District Sewer System.

Sewer User Fee – A monthly fee established by the Board to cover such costs as certified System Operator, testing costs, electrical costs, general operation, repair, and maintenance costs.

System Operator – Independent person(s), entity (entities), party (parties) contracted with to manage, operate, or maintain the District Sewer System.

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 and would not be benefited by discharge to the sanitary sewers and Wastewater treatment facilities.

User – Any person who discharges or causes or permits the discharge of Wastewater to the District Sewer System.

Wastewater – The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any grey water, groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the District Sewer System.

SECTION THREE

GENERAL PROVISIONS AND CONDITIONS

1. The Board is responsible for the management of the District and the operations and maintenance of the District Sewer System pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Chapter 7080; this Ordinance; the Renville County Sewage and Wastewater Treatment Regulations; and the Land Use Ordinance of Renville County; and all acts amendatory thereof.
2. The District Sewer System shall include all equipment, pumps, sewer lines, and appurtenances, presently existing or hereinafter acquired, as are found necessary to maintain the District Sewer System in operating condition. The equipment, pumps, sewer lines, and appurtenances shall be installed, approved, and maintained to collect and transmit all Wastewater effluent into the system for the proper treatment and disposal of such Wastewater.

3. All existing and future improved properties within the District producing Wastewater flow will be required to connect into the District Sewer System. All on-site subsurface Sewage treatment systems will be required to be abandoned according to the MPCA 7080 Rules and the Renville County Sewage and Wastewater Treatment Regulations, as amended.
4. Petition to use District's services.
 - a. Any site outside the District whose owner wishes to become a part of the District and hook into the District Sewer System must petition the Board as required in Minnesota Statutes 375B, as amended.
 - b. All future Service Connections must comply with all necessary Ordinances and codes currently in place at time of hook-up.
 - c. An approved engineering design will be required to extend the public wastewater collection system to make a new Service Connection into the District Sewer System. Engineering design and Capital Costs to extend and connect to the District Sewer System will be at the petitioner's expense.
 - d. All future Users to the District Sewer System shall pay a SAC Charge and a Base Connection Charge at the time of connection into the District Sewer System.
5. Each User of the District Sewer System shall comply with all rules and provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules; Renville County Sewage and Wastewater Treatment Regulations; and the provisions contained in this Ordinance.
6. The Board, its agents, or System Operator have the right to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, and repairing the District Sewer System, or any parts thereof.
7. Ownership, management, maintenance, and upkeep of the District Sewer System shall be the responsibility of the Board. Ownership, management, maintenance, and upkeep of those parts of the Building Sanitary Sewer System shall be the responsibility of the individual property owner.
8. The Board, along with the Renville County Division of Environment and Community Development and System Operator, is responsible for the review of maintenance and operation logs and inspection of the physical portion of the District Sewer System. The System Operator shall submit a monthly maintenance report to the Department regarding the status of the District Sewer System, which will become public record for all to examine.

SECTION FOUR

RATES, CHARGES, AND CONNECTIONS TO THE DISTRICT SEWER SYSTEM

1. The Board may adopt rates, fees, and charges as necessary for the management, operation, and maintenance of the District Sewer System. All proposed fees shall be referred to the Renville County/Lake Allie ESSD Advisory Council for its study and recommendation prior to adoption by the Board.
2. Prior to the adoption of any rate, fee, or charge, a public hearing shall be held. Written notice shall be provided to all property owners in the District ten (10) calendar days before any amendments or changes to this Ordinance are adopted by the Board. Public notice shall also be made in the official newspaper designated by the Board. The notices shall include the date, time, place, and purpose of the hearing. All District property owners may be heard at the hearing or through written comment addressed to the Renville County Administrator. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.
3. A monthly Sewer User Fee will be assessed to each User of the District Sewer System. The Sewer User Fee will be assessed at the time of Service Connection to the District Sewer System.
4. All new Service Connections into the District Sewer System shall pay all costs for the design and construction of the Building Sanitary Sewer System, a required SAC Charge, and any additional costs necessary for connection to the District Sewer System.
5. The Board may, under Minnesota Statutes 444.075, Subd. 3, certify each year to the Renville County Auditor/Treasurer 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 intentions to certify the charge to the Renville County Auditor/Treasurer. Any unpaid charges will be subject to the same penalties, interest, and other conditions provided for the collection of regular property taxes.
6. In the District, additional lots which are created by replatting or subdividing will be charged a SAC Charge and a Base Connection Charge.
7. Lots that were exempt from a SAC Charge and Base Connection Charge at time of construction and change ownership will be charged a SAC Charge and a Base Connection Charge.
8. All SAC Charges and Base Connection Charges shall be due and payable at time of connection the District Sewer System.

9. No person shall make a Service Connection into the District Sewer System unless licensed to do such work by the State of Minnesota. All Service Connections shall conform to the requirements of all applicable state codes, rules, and regulations. All existing and future nonconforming Service Connections shall be permanently capped or removed per applicable state codes, rules, and regulations.
10. All funds collected from rates, fees, charges, and Service Connections will remain the District's funds and will be used to reduce any costs allocated to the usage, repair, and capital replacement of the District Sewer System.
11. All Service Connections shall be reviewed and approved by the System Operator prior to any work being completed. The property owner is responsible to notify the System Operator when the Building Sanitary Sewer System is ready for inspection and connection to the District Sewer System. The connection and inspection shall be made under the supervision of the System Operator.

SECTION FIVE

UNLAWFUL USE OF DISTRICT SEWER SYSTEM

1. It shall be unlawful for any User to discharge Wastewater upon, in, or under the ground or to any Natural Outlet within the District other than into the District Sewer System.
2. It shall be unlawful for any User to discharge or cause to be discharged any Unpolluted Waters, such as stormwater, groundwater, roof runoff, subsurface drainage, outdoor hot tubs, or swimming pools, into the District Sewer System by means of sump pump or otherwise.
3. It shall be unlawful for any User to discharge liquids or solids into the District Sewer System that have concentrations or quantities that will harm the collective 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, diesel fuel, fuel oil, oil solvent, latex paint, paint and lacquer thinner, or other flammable or explosive liquids, solids, or gas.
 - b. Any waters containing toxic pollutants or poisonous solids or liquids, which alone or by interaction with other wastes could release noxious gases or form suspended solids, which interfere with the District Sewer System or create a condition causing harm or danger to structures, equipment, treatment processes, or personnel.
 - c. Solid or sticky substances in quantities or of such size capable of causing obstruction to the flow or proper operation of the District Sewer System are illegal including, but not limited to, ashes, asphalt, bones, cinders, sand, mud,

straw, wood shavings, metal, glass, rags, feathers, tar, plastics, disposable diapers, wood, unground garbage, whole blood, paper dishes, paper towels and napkins, cups, milk containers, sanitary pads and tampons, adhesive bandages, baby and cleaning wipes, condoms, cotton balls and tipped applicators, cat litter, food, facial cleaning pads, cigarette and cigar butts, dental floss, chewing gum, hair, nail polish and remover, cosmetics, dryer sheets, toilet scrubbers, prescription medicines, grease and fat, antifreeze, pesticides, and other similar items, as well as the containers for such items.

4. 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.
5. Cost of repair of the District Sewer System due to unlawful use shall be paid for by the person causing damage and/or any and all negligent parties involved in the unlawful use.
6. Use of the District Sewer System by recreational vehicles, including travel trailers, motor homes, campers, park trailers, and similar vehicles, connected into an existing permitted Building Sanitary Sewer System is prohibited and, upon notice, the User shall discontinue service.

SECTION SIX

RESPONSIBILITY FOR CLAIMS OR DAMAGE

The District shall hold free and harmless those landowners with permanent easements located on their property from any damages, claims, costs, or expenses of any kind or nature sustained by the District's discharge of effluent to the District Sewer System.

SECTION SEVEN

ORDINANCE VIOLATIONS

1. Any person who willfully violates any provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules; the Renville County Sewage and Wastewater Treatment Regulations; and/or the provisions of this Ordinance will be subject to notification of violation. The Renville County Attorney 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 thereby 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 \$1,000.00 or imprisonment not to exceed ninety (90) days or both. Each day of non-compliance with any of the terms of this Ordinance shall be considered a separate violation and a separate criminal act.

SECTION EIGHT

ORDINANCE AMENDMENTS

1. The Board may adopt amendments to this Ordinance. All amendments shall be referred to the Renville County/Lake Allie ESSD Advisory Council for its study and recommendation prior to adoption by the Board.
2. Prior to the adoption of any amendment to this Ordinance, a public hearing shall be held. Written notice shall be provided to all property owners in the District ten (10) calendar days before any amendments or changes to this Ordinance are adopted by the Board. Public notice shall also be made in the official newspaper designated by the Board. The notices shall include the date, time, place, and purpose of the hearing. All District property owners may be heard at the hearing or through written comment addressed to the Renville County Administrator. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.

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 District shall take effect and be in full force immediately following its adoption and publication by the Board.

DATE OF EFFECT: November 22, 2016

The amended Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

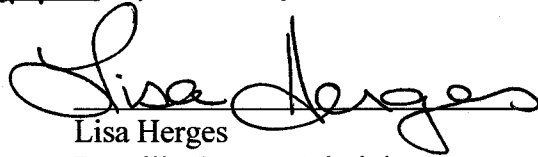
CERTIFICATE OF TRANSCRIPT

STATE OF MINNESOTA)
) ss.
COUNTY OF RENVILLE)

**Office of the
County Administrator**

I, Lisa Herges, County Administrator of said County of Renville, do hereby certify that I have compared the foregoing copy of the Ordinance as presented and approved by the Renville County Board of Commissioners on November 22, 2016, now remaining on file and of record in the office of the Renville County Division of Environment and Community Development and that the same is a correct transcript thereof, and the whole of such original.

Witness my hand and official seal the 24th day of January, 2017.



Lisa Herges
Renville County Administrator

