

ORDINANCE 148

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE SERVICE CHARGES TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE CITY OF BIRD ISLAND, MINNESOTA AND PROVIDING CERTAIN PROHIBITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIRD ISLAND.

A. Sec. 1 - Basic for wastewater service charge: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

B. A.) A five day, 20 degree centigrade (20* c) biochemical oxygen demand (BOD) of 210 mg/l

B.) A suspended solids (SS) content of 240 mg/l. It shall consist of operation and maintenance cost plus replacement and shall be computed as follows:

a.) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

b.) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids, and BOD if possible.

c.) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

d.) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.

e.) Compute costs per 1000 gallons for normal sewage strength.

f.) Compute surcharge costs per 1000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

C. A surcharge will be levied to all users whose water exceed the normal concentration for BOD 210 mg/l and SS 240 mg/l. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 210 mg/l, 240 mg/l concentration for BOD and SS respectively. Article I, Sec. 6 specifies the procedure to compute a surcharge.

D. The adequacy of the wastewater service charge shall be reviewed quarterly by the City Clerk for the City of Bird Island in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

Sec. 2 Measurement of Flow: The volume of flow used for computing basic user charge and surcharges shall be the metered water consumption.

a.) Metering device for determining the volume of waste shall be installed, owned and maintained by the City. Following installation, such meters may not be removed, unless service is cancelled, without the consent of the City.

E. Sec. 3 Basic User Rate: There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City. A minimum

charge of \$15.00 per quarter shall be applied to all users whose water consumption does not exceed 20,000 gallons per quarter.

A. basic user charge of \$.37 per 1000 gallons shall be applied to all users for water consumption in excess of 20,000 gallons per quarter. The charge for the system includes \$.31 per 1000 gallons for operation and maintenance and \$.04 per 1000 gallons for replacement charges.

Debt Service Charge: \$.38 per 1000 gallons.

F. Sec. 4 Surcharge Rate: The rates of surcharges for BOD5 and SS shall be as follows:

$$S = P/365 + T$$

S= Surcharge per pound of BOD or suspended solids per day.

P=% of total operation and maintenance budget attributable to BOD or SS (in dollars)

T= Total plant loading (BOD or suspended solids per day (lbs./day))

For the purpose of this ordinance, the values are as follows:

S= .018/lb. of BOD

S= .016/lb. of suspended solids

Sec. 5 Computation of surcharge: The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the city and shall be binding as a basis for surcharges.

Sec. 6 Computation of Wastewater Service Charge: The Wastewater service charge shall be computed by the following formula:

$$CW = CD + CM$$

Where CW = Amount of Wastewater service charge (\$) per 1000 gallons.

CD = Debt Service Charge

CM = Charge for Operation, Maintenance and Replacement (sec.3)

CW = \$.75/1000 gallons

CD = \$.38/1000 gallons

CM = \$.37/1000 gallons

Sec.1 Bills: Said rates or charges for service shall be payable quarterly. Each user shall be notified at least annually in conjunction with the regular bill of that rate and portion of the user charges which are attributable to wastewater treatment service.

The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the City.

Bills for sewer service shall be sent out by the City Clerk on the last day of each quarter succeeding the period for which the service is billed.

All sewer bills are due and payable 30 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 15th day after they have been rendered.

Sec. 2 Delinquent Bills: If the charges for such services are not paid within 30 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 3 Lien-Notice of Delinquency: Whenever a bill for sewer service remains unpaid for 45 days after it has been rendered, the City Clerk-Treasurer shall file with the County Recorder a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises, and the City Clerk-Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Clerk-Treasurer, whenever such bill remains unpaid for the period of forty-five days after it has been rendered.

The Failure of the City Clerk-Treasurer to record such lien or to mail such notice or failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

Sec. 4 Foreclosure of lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be supplied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five days after it has been rendered.

Sec. 5 Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City Clerk separate and apart from their private funds and separate and apart from all other funds of the City.

The City Clerk-Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to them and deposit the same in the amount of the fund designated as the "Sewerage Fund of the City". Said Clerk-Treasurer shall administer such fund in every respect in the manner provided by statute.

Sec. 6 Accounts: The City Clerk-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 sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

Sec. 7 Penalty: Any person, firm or corporation violating any provisions of this article shall be fined not less than \$100.00 nor more than \$500.00 for each offense.

Sec. 8 Access to Records: The U.S. Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit examination, excerpts, and transactions thereof of insure compliance with the terms of the Special and General Conditions.

ARTICLE III

Validity

That if any section, paragraph, clause, or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provision of this Ordinance.

ARTICLE IV

Powers & Authority of Enforcing Agents

The Approving Authority shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of these regulations. Any person found to be violating any provisions of this Ordinance shall be served by the City with written notices stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of the service contract and shall be summarily disconnected from the sanitary sewer and/or water service. Such disconnection and reconnection would be at the total expense of the customer.

Where acids and chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the Approving Authority is authorized to immediately terminate services by such measures as are necessary to protect the facilities.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than \$300. Each day of each violation shall be deemed a separate offense. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

ARTICLE V

Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Passed and adopted by the Council of the City of Bird Island, Minnesota on the _____ day of _____, 19__.

Approved this _____ day of _____, 19__.

Mayor

Clerk

DEFINITIONS

1. Authority – The City of Bird Island
2. Biochemical Oxygen Demand (BOD) – shall mean the quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20* C.
3. Building Drain – Shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building Drain – Sanitary – A building drain which conveys sanitary or industrial sewage only.

Building Drain – Storm – A building drain which conveys storm water or other Clearwater drainage but no wastewater.

4. Building Sewer – shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection)

Building Sewer – Sanitary – A building sewer which conveys sanitary or industrial sewage only.

Building Sewer – Storm – A building sewer which conveys storm-water or other clearwater drainage but no sanitary or industrial sewage.

5. Classes of Users – The division of wastewater treatment customers by waste characteristics, and process or discharge similarities.

Residential – Shall include all dwelling units such as detached, semi-detached, and row houses, mobile homes, garden and standard apartments, permanent multi-family dwellings. (Transient lodging, considered commercial in nature, is not included.)

Commercial – Shall include transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption, and/or rendering services to others.

Institutional – shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

Governmental – shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments, such as courthouses, police and fire stations, city halls, and similar governmental users.

Industrial – Shall include manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power driven machines and material handling equipment.

6. Compatible Pollutant – shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order or 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible includes: (a) chemical oxygen demand, (b) total organic carbon, (c) phosphorus and phosphorus compounds, (d) nitrogen and nitrogen compounds, and (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

7. Debt Service Charge – A fee imposed upon all units of service of the Wastewater disposal system in a total amount sufficient to pay costs of principal and interest on obligations issued to finance acquisition and construction of the wastewater disposal system.

8. Depreciation – an annual operation cost reflecting capital consumption and obsolescence (reduction of future service potential) of the treatment works.

9. Easement – shall mean an acquired legal right for the specific use of land owned by others.
10. Fecal Coliform – mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
11. Floatable Oil – Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Authority.
12. Garbage – shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage and sale of produce.
13. Incompatible Pollutant – shall mean any pollutant that is not defined as a compatible pollutant, including non-biogradable dissolved solids.
14. Infiltration – shall mean the water entering a sewer system including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
15. Infiltration/inflow – shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
16. Inflow – shall mean the water discharge into a sewer system, including building drains, and sewer, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manholes covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration.)
17. Major Contributing Industry – shall mean an industry that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL 92-500; or (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.
18. Natural Outlet – shall mean any outlet, including storm sewers and combined sewer overflow, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
19. Normal Domestic Sewage – as defined for the purposes of determining surcharge, shall mean wastewater or sewage having an average daily suspended solids concentration of not more than 240 mg/l, and average daily BOD of not more than 210mg/l.
20. NPDES Permit – shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
21. Operation and Maintenance Costs – All costs, direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, conform with at related Federal, State, and local requirements, and assure optimal long term facility management. (These costs include depreciation and replacement.)
22. Person – shall mean any individual, firm, company, association, society, corporation or group discharging any wastewater to WWIW.

23. pH – shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

24. Pretreatment – shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

25. Properly Shredded Garbage – shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that, all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than 3/8 inch in any dimension.

26. Private Sewer – shall mean a sewer which is not owned by a public authority.

27. Public Authority – shall mean any governmental agency having jurisdiction by law over construction and use of a wastewater collection or treatment facility.

28. Public Sewer – shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector Sewer – shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor Sewer – shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force Main – shall mean a pipe in which wastewater is carried under pressure.

Pumping Station – shall mean a station positioned in the public sewer service at which wastewater is pumped to a higher level.

29. Replacement – Expenditures for obtaining and installing equipment accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

30. Sanitary Sewer – shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

31. Sewage – shall mean the combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

Sanitary Sewage – shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial Sewage – shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

32. “Shall” is mandatory; “May” is permissive

33. Significant Industry – shall mean any industry that will contribute greater than 10 percent of the design flow or design pollutant loading of the treatment works.

34. Slug – shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hours concentration of flows during normal operation.
35. Standard Methods – shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association. The American Water Works Association and the Water Pollution Control Federation.
36. Storm Sewer – shall mean a sewer for conveying water, groundwater or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
37. Suspended Solids – shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
38. Total Solids – shall mean the sum of suspended and dissolved solids.
39. Toxic Amount – shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
40. Unpolluted Water – is 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 provided.
41. User Charge – is a charge levied on users of a wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of PL 92-500.
42. Volatile Organic Matter – shall mean the material in the sewage solids transformed to gases or vapors when heated at 550 degrees C for 15 to 20 minutes.
43. Wastewater Treatment Works – shall mean the structures, equipment and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
44. Water Works – shall mean all facilities for water supply, filtration plant, storage reservoir, water lines and services, and booster stations for obtaining, treating and distributing potable water.
45. Watercourse – shall mean a natural or artificial channel for the passage of water either continuously or intermittently.