

**FILLMORE COUNTY**  
Ordinance No. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING REGULATIONS AND CHARGES  
REGARDING THE WASTEWATER TREATMENT FACILITIES  
FOR THE GREENLEAFTON SUBORDINATE SERVICE DISTRICT**

The Board of Commissioners of the County of Fillmore 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 treatment facilities established by the County to provide wastewater collection and treatment services to properties located within the Greenleafon Subordinate Service District (the "District") established by the County Board in Fillmore County, Minnesota (the "County") pursuant to its authority under Minnesota Statutes, Chapter 375B.

**102. Findings**

The County Board hereby finds and determines as follows:

1. The Minnesota Pollution Control Agency identified a need to address wastewater needs within the Greenleafon area. The County 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 treatment system in the area;
2. The County 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 County Board held a public hearing regarding the formation of the District on November 13, 2012. The County 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 November 13, 2012, the County Board adopted Resolution No. 2012-059, which established the District;
5. The wastewater project was developed, the treatment system designed, and State funds sought for only those properties included in the District. The other owners in the area are responsible for addressing their wastewater compliance issues on their

own as it was not practical for the County to design the wastewater treatment system with capacity to accommodate additional connections or future expansions; and

6. Installation of the treatment facilities includes the County 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.

## 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 County Board to administer and enforce any portion of this Ordinance.
3. **Building Drain:** The point of a building’s wastewater system beginning immediately outside the building wall which conveys wastewater to the service connection.
4. **County:** Fillmore County, Minnesota.
5. **County Board:** The Board of Commissioners of Fillmore County, Minnesota.
6. **District:** The subordinate service district established by the County Board under Minnesota Statutes, Chapter 375B by adoption of Resolution No. 2012-059 on November 13, 2012 to provide wastewater collection and treatment services to those properties identified in the Resolution and referred to as Greenleafton.
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 County.
9. **Service Connection:** The pipe or conduit, tank, and related facilities on private property and located between the building drain and the portion of the treatment facilities located within the public right-of-way. Related facilities may include, but are not limited to, grinder pumps and other hardware and materials located on the

property and used to convey wastewater from the building drain to the treatment facilities.

10. **System:** A general reference to the wastewater treatment facilities installed and operated to provide wastewater collection and treatment service for the properties within the District.
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 land, devices, pipes, conduits, facilities, structures, equipment and processes owned or used by the County for the purpose of the transmission, storage, treatment, recycling and reclamation of wastewater and the disposal of residues resulting from such treatment. The term includes the service connection installed by the County.

### **SECTION 3 General Provisions**

#### **301. Authorized Representative**

The County Board shall have control and general supervision of the wastewater treatment facilities and service connections in the District, and shall be responsible for administering the provisions of this Ordinance to ensure that a proper and efficient system is maintained for collection and treatment of wastewater generated within the District. The County 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 County's authorized representative for the purposes of this Ordinance within the scope of the County Board's delegation.

#### **302. Inspections**

In order to provide for the proper operation of the treatment facilities 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 County shall develop and implement an operations and maintenance plan for the treatment facilities to provide for its ongoing operation. The County shall review and update the plan as needed and shall enter into such contracts as the County Board determines is appropriate to provide for the continued operation and maintenance of the treatment facilities in accordance with the plan.

**SECTION 4**  
**Use of Wastewater Treatment Facilities Required**

**401. Connection Required**

Any existing buildings used for human habitation and located within a District shall connect to wastewater treatment facilities as part of the project when such facilities are installed and capable of handling the connection as determined by the County. The County shall provide for the installation of the service connection on parcels as part of constructing the system. Any parcel with an existing individual subsurface sewage treatment system installed less than 5 years from the date of adoption of this Ordinance shall not be required to immediately connect to the system if the County grants an extension for the parcel. The owner of a parcel for which the County grants an extension shall be required to connect to the system upon the County finding the existing individual system has, in any way, become noncompliant. The owner shall be responsible for paying for and installing a suitable service connection, as determined by the County, to the portion of the wastewater treatment facilities located along the trunk facility within 60 days (weather permitting) from the determination of noncompliance. The installation of the service connection and its connection to the treatment facilities must be done by a licensed plumber.

**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 wastewater treatment facilities is available, unless the parcel has an existing individual subsurface sewage treatment system installed less than 5 years from the date of adoption of this Ordinance and was granted an extension by the County. 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. Separate Systems Required.** A separate and independent building wastewater system shall be provided for each building designed for human habitation. No private building wastewater system or service connection shall be extended to other parcels. Wastewater facilities (bathrooms) shall not be placed within non-residential dwellings, such structures shall not be connected to the wastewater treatment facilities, and the discharge of wastewater from such structures is prohibited.

2. **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 treatment facilities or any appurtenances thereof without first obtaining written permission from the County Board and complying with all terms and conditions placed on the permission.
3. **Changes to Building System.** Any changes needed to avoid, or divert any unpolluted water from entering the building wastewater system or the service connection shall be completed prior to the connection of the building drain to the treatment system.

**SECTION 5**  
**Prohibitions and Use of Public**  
**Wastewater Treatment Facilities**

**501. Unpolluted Water**

It is unlawful for a person to discharge unpolluted water into the treatment facilities or to make or maintain a connection between any conductor used to carry unpolluted water discharge and the treatment facilities.

**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 wastewater treatment facilities.

**503. Prohibited Discharges**

Discharges of the following substances shall be prohibited or limited to concentrations or quantities that will not harm the wastewater treatment facilities, 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 treatment facilities:

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 County 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 County to clear such obstruction. Such costs shall constitute a service charge the County 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 County 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 treatment facilities imposed through the District as a service charge.

**SECTION 6**  
**The Wastewater Service Charges**

**601. Established**

The County 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 treatment facilities as the County Board determines necessary. The following charges shall apply within District and the specific amounts of such charges shall be set by County Board:

- 1. Wastewater System Establishment Charge.** The wastewater 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 treatment facilities, and all other costs, fees, charges, and expenses incurred by the County to install the treatment system and to make it operational. The amount of the wastewater system establishment charge shall be determined by the County Board and the County shall mail notice of the total amount of the charge to the owners within the District. If the County 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 County 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 County Board, but not to exceed 20 years. In cases where the County grants an extension for one or more parcels containing existing individual subsurface sewage treatment system installed less than 5 years from the date of adoption of this Ordinance, the County Board may reduce the amount of the establishment charge imposed on those parcels to recognize the remaining useful life of the individual system. The amount of the reduction is in the County Board's sole discretion and will be determined on a case by case basis. If any reductions are granted within the District, the total amount of the reductions shall be divided equally and spread among the other parcels within the District. The establishment fee as determined by the County Board shall be imposed on all parcels within the District and shall be paid regardless of connection status.
- 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 treatment 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 County 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 equally

among all parcels connected to the system. Parcels within the District granted an extension and that have not connected to the system shall not be charged the service charge until such time as the parcel is connected to the system.

**602. Other Charges**

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

**603. Wastewater Funds**

The County 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 County Board with a report of such costs at least annually. The County Board shall review the report and determine whether sufficient revenue is being generated for the effective management and operation of the treatment facilities and debt retirement. If necessary, the wastewater service charge shall be modified to ensure the continued proper operation of the system. The County 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 County may enforce this Ordinance, in the County 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 County's costs related to such action. The County 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 County 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 County 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 treatment system established for the District. The County 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 Fillmore County Ordinance Establishing Regulations and Charges Regarding the Wastewater Treatment Facilities for the Greenleafon Subordinate Service District is hereby adopted by the Fillmore County Board of Commissioners on the 5th day of August, 2014.

Duane Babke

Chairperson  
Fillmore County Board of Commissioners

ATTEST:

Bobbie Vickerman

Bobbie Vickerman, Coordinator

EFFECTIVE DATE: August 5, 2014

# Affidavit of Publication

STATE OF MINNESOTA

SS.

COUNTY OF FILLMORE.

Jason Sethre, being duly sworn, on oath says he is the publisher of the newspaper known as the Fillmore County Journal, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed legal

## PUBLIC NOTICES

### NOTICE OF PUBLIC HEARING

Fillmore County Board of Commissioners will hold a public hearing on Tuesday, August 5, 2014 at 10 a.m. in the Fillmore County Courthouse, Commissioners' Boardroom - Room 601L, 101 Fillmore St. W., Preston, MN, for the purpose of considering the adoption of an ordinance establishing regulations and charges regarding the wastewater treatment facilities for the Greenleafon Subordinate Service District. For additional information, please see Announcements at www.co.fillmore.mn.us.

Bobbie Vickerman  
Fillmore County Coordinator  
Publish 21, 28

which is attached, was cut from the columns of said newspaper, and was printed once a week for 2 successive weeks. It was published on Monday, the 21<sup>st</sup> day of July 2014; and was thereafter printed and published on every Monday to and including Monday, the 28<sup>th</sup> day of July 2014; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By J. S. 2  
Publisher

TITLE:

Subscribed and sworn to before me on this 31  
day of July, 2014.

Notary Public



RATE INFORMATION	First Printing	Subsequent
(1) Lowest classified rate paid by commercial users for comparable space	\$13.31 per inch (inch rate)	
(2) Maximum rate allowed by law for above matter	\$13.31 per inch (inch rate)	
(3) Rate actually charged for the above matter	\$9.77 per inch (inch rate)	\$9.77 per inch