

**DULUTH/NORTH SHORE SANITARY DISTRICT
ORDINANCE NO. 1**

TABLE OF CONTENTS

ARTICLE I - DEFINITIONS	1
ARTICLE II - GENERAL PROVISIONS	10
Section 2.1 Purpose	10
Section 2.2 Construction	10
Section 2.3 Standard Methods	10
Section 2.4 Severability	10
Section 2.5 Amendments	10
ARTICLE III - CREATION; MANAGEMENT	10
Section 3.1 Creation	10
Section 3.2 Management	11
ARTICLE IV - USE OF PUBLIC SEWERS REQUIRED	11
Section 4.1 Service Connection Required	11
Section 4.2 Failure to Connect	11
ARTICLE V - ON-SITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT	12
Section 5.1 Private Facilities Unlawful	12
Section 5.2 Unavailability of Public Sewers	12
Section 5.3 Construction of On-site Wastewater Disposal Systems	12
Section 5.4 Compliance with County Requirements	12
Section 5.5 Operation and Maintenance of On-site Wastewater Disposal Systems ..	12
Section 5.6 Additional Legal Requirements	12
Section 5.7 Reservation of Powers	12
ARTICLE VI - PERMITS; LICENSES; APPLICATIONS; INSPECTIONS	13
Section 6.1 Permit(s) Required	13
Section 6.2 License Required	15
Section 6.3 License Revocation	15
Section 6.4 Additional Information	16
Section 6.5 Inspection Prior to Sale or Transfer	16
Section 6.6 Easement	17
Section 6.7 Disclosure of Information	17
Section 6.8 Rules and Regulations	17
Section 6.9 Fees	17
ARTICLE VII - BUILDING SEWERS AND SERVICE CONNECTIONS; DESIGN	17
Section 7.1 Location	17

Section 7.2	Building Sewers.....	17
Section 7.3	Excavations must be Guarded	19
Section 7.4	Rules and Regulations	19
Section 7.5	Sewer Access Charge	19
 ARTICLE VIII - USE OF THE PUBLIC SEWER; WASTEWATER TREATMENT		
FACILITIES; METERING		19
Section 8.1	Unpolluted Water	19
Section 8.2	Septage	19
Section 8.3	Prohibited Substances.....	19
Section 8.4	Other Discharges	20
Section 8.5	Lower Limitations	22
Section 8.6	Grease, Oil and Sand Interceptors	22
Section 8.7	Pretreatment.....	23
Section 8.8	Metering and Testing of Waste	23
Section 8.9	Dilution of Discharges.....	24
Section 8.10	Accidental Discharges	24
Section 8.11	Contracts with Users.....	25
 ARTICLE IX - DAMAGE TO THE FACILITIES; REMEDIES		25
Section 9.1	General	25
Section 9.2	Deposits or Obstructions	26
Section 9.3	Unauthorized Discharges.....	26
Section 9.4	Emergency Repairs.....	27
Section 9.5	Charge for District Expenses.....	27
 ARTICLE X - POWER AND AUTHORITY OF INSPECTORS.....		27
Section 10.1	Right of Entry	27
Section 10.2	Indemnification.....	27
Section 10.3	Easements	27
 ARTICLE XI - SEWER SERVICE CHARGE SYSTEM; SEPTAGE SERVICE CHARGE		
SYSTEM; SEWER SERVICE FUND		28
Section 11.1	Systems Established	28
Section 11.2	Charges	29
Section 11.3	User Classes.....	30
Section 11.4	Sewer Service Fund Established	30
Section 11.5	Administration of the Sewer Service Fund	30
 ARTICLE XII - PENALTIES FOR ORDINANCE VIOLATION.....		31
Section 12.1	Violation Unlawful	31
Section 12.2	Notice	31
Section 12.3	Hearing	31
Section 12.4	Fines and Penalties	32
Section 12.5	Collection	32
Section 12.6	District Costs Incurred Under Section 4.2.....	32
Section 12.7	Liability	33
Section 12.8	Enforcement Alternatives.....	33
Section 12.9	Remedies Cumulative.....	33

ARTICLE XIII – VARIANCES	33
Section 13.1 Request and Hearing.....	33
Section 13.2 Required Findings	33
Section 13.3 Inspection and Investigation.....	34
Section 13.4 Required Response Time.....	34
Section 13.5 Expiration of Variance	34
Section 13.6 Additional Procedures	34
 ARTICLE XIV - VALIDITY	 35
Section 14.1 Effect	35
Section 14.2 Inconsistency	35

**DULUTH/NORTH SHORE SANITARY DISTRICT
ORDINANCE NO. 1**

**AN ORDINANCE CREATING A SEWER UTILITY; REGULATING THE
USE OF PUBLIC AND PRIVATE SEWERS; ESTABLISHING METHODS
FOR A SEWER SERVICE CHARGE SYSTEM AND A SEPTAGE
SERVICE CHARGE SYSTEM; AND PROVIDING PENALTIES FOR
VIOLATIONS OF THE REGULATIONS HEREIN DEFINED**

The Board of Managers of the Duluth/North Shore Sanitary District (the "District") ordains as follows:

ARTICLE I - DEFINITIONS

Unless the context specifically indicates otherwise, the terms used in this Ordinance have the meanings designated:

- Section 1.1 Allocation Agreement: The Connection and Limited Wastewater Capacity Allocation Agreement between the WLSSD and the District.
- Section 1.2 Allocation System: The Wastewater Treatment Capacity Allocation System adopted by the WLSSD that provides for a system of allocating wastewater treatment plant capacity among Users to allow compliance with the provisions of the NPDES Permit and other provisions of applicable state and federal requirements, as the same may be amended from time to time.
- Section 1.3 Assigned CAF Units: The determination by the Superintendent of CAF Units to be assigned to each Commercial or Industrial User pursuant to Ordinance No. 3.
- Section 1.4 Authorized Inspector: an inspector authorized by the District to prepare the reports required by Section 6.1a.ii. of this Ordinance.
- Section 1.5 Base Charge: A flat fee of per month payable by all Users. Base Charges are payable year round, for all customers. The Base Charge addresses the fixed and non variable operating expenses of the District and may include the OM&R Charge and the Debt Service Charge.
- Section 1.6 Biochemical Oxygen Demand or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligrams per liter (mg/l). It represents the breakdown of carbonaceous materials as distinct from nitrogenous materials.
- Section 1.7 Board: The Board of Managers of the District. The Board is the governing body of the District.

- Section 1.8 Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys Wastewater to the Building Sewer, beginning 3 feet outside the inner face of the building wall.
- Section 1.9 Building Sewer: The extension from the Building Drain to the Public Sewer, Private Sewer, On-site Wastewater Disposal System or other place of disposal.
- Section 1.10 Capacity Availability Fee or CAF: The fee charged by WLSSD for all new connections to and expanded uses of the System. The CAF addresses the cost of System capacity constructed to meet the needs of future growth in the District. The CAF reflects the cost of System capacity available for expanded connections and New Uses within the District.
- Section 1.11 Capacity Availability Fee Procedures Manual or CAF Manual: The Capacity Availability Fee Procedures Manual, as adopted by WLSSD on January 2006 and amended from time to time. The CAF Manual is incorporated into the provisions of this Ordinance.
- Section 1.12 CAF Unit: Equal to 260 gallons per day or 7,900 gallons of Flow per month, or such other calculation as may be determined from time to time by WLSSD.
- Section 1.13 Capacity Reservation: The allocation of a portion of the capacity of the Treatment Facilities and/or the System to a potential User, measured in CAF Units.
- Section 1.14 Capacity Reservation Fee(s): The fee charged to potential Users who have a Capacity Reservation. The fee addresses the fixed expenses related to the Capacity Reservation. The Capacity Reservation Fee is based on the number of EDUs assigned by the Superintendent to the Capacity Reservation.
- Section 1.15 City of Duluth: The City of Duluth, a municipal corporation and political subdivision in Saint Louis County, Minnesota and its successors and assigns.
- Section 1.16 Clean Water Act: The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251 et seq.
- Section 1.17 Combined Sewer: A sewer receiving both surface runoff and Sewage.
- Section 1.18 Commercial User: Any User that consists of stand alone structures providing a place of business and discharging either up to NDSW or in excess of NDSW.
- Section 1.19 Commercial Wastewater: Wastewater emanating from a place of business of a Commercial User which is singly, or by interaction with other wastes:
- a. NDSW; or

- b. exceeds NDSW limitations; or
- c. exceeds normal residential unit volumes of Wastewater as established by the State.

Section 1.20 Cost Apportionment Policy: The WLSSD Cost Apportionment Policy, including resolutions of the WLSSD implementing that Cost Apportionment Policy.

Section 1.21 County: Saint Louis County, a body politic and corporate and political subdivision of the State and its successors and assigns.

Section 1.22 Debt Service Charge: A charge to Users of Wastewater Treatment Facilities for the purpose of repaying the cost of construction of and capital improvements to the Wastewater Treatment Facilities, which is derived from a proportional share of annual debt service payments on the District's outstanding indebtedness.

Section 1.23 District: The Sanitary District.

Section 1.24 Engineer: The Person designated by the Board as the District's engineer(s) or his/her authorized deputy, agent, or representative.

Section 1.25 Equivalent Domestic Unit or EDU: A unit of measurement of Flow and Load that is or may be used for both engineering design purposes and establishing User Charges, Sewer Access Charges and Capacity Reservation Fees which takes into account the costs of treatment processes attributable to Flow, BOD, TSS and other significant Loads expressed in fractional increments of NDSW. One EDU is equivalent to one CAF Unit, or such other unit of measurement as may be adopted by the WLSSD, from time to time.

Section 1.26 Excess Monthly Metered Flow: The sum of Total Monthly Metered Flow minus the product of one CAF Unit, expressed in gallons per month where a 30-day month is assumed, times Assigned CAF Units or zero, whichever is greater.

Section 1.27 Extra Strength Charge: Flows in excess of 200 mg/L of BOD shall be subject to an Extra Strength Charge per pound of BOD. Flows in excess of 200 mg/L of TSS shall be subject to an Extra Strength Charge per pound of TSS. These figures are subject to further modification as may be established by the WLSSD from time to time.

Section 1.28 Extra Strength Waste: Wastewater having Load in excess of 200 milligrams per liter (mg/L) of biochemical oxygen demand (BOD) and 200 mg/L of total suspended solids (TSS), and not otherwise classified as an Incompatible Waste, or such other characteristics as may be established by WLSSD from time to time.

Section 1.29 Flow: The quantity of Wastewater.

- Section 1.30 Garbage: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce and animal products, including the packaging of such products.
- Section 1.31 Governmental Unit: Any one or all of St. Louis County, City of Duluth, Town of Duluth, and/or the Town of Lakewood.
- Section 1.32 Incompatible Waste: Waste that either singly or by interaction with other wastes interferes with any Sewage treatment process, constitutes a hazard to humans or animals in spite of the treatment method used by the District, create a public nuisance or create any hazards in the receiving waters of the Wastewater Treatment Facilities.
- Section 1.33 Industrial Pretreatment Ordinance: The Industrial Pretreatment Ordinance adopted by the WLSSD, as the same may be amended from time to time.
- Section 1.34 Industrial User: Any User who produces Industrial Waste and/or whose discharges, singly or by interaction with other wastes:
- a. contaminate the sludge of the Wastewater Treatment Facilities;
 - b. in any way abrogates the Industrial Pretreatment Ordinance;
 - c. injure or interfere with the treatment process;
 - d. create a public nuisance or hazard;
 - e. have an adverse effect on the waters receiving Wastewater Treatment Facilities discharges;
 - f. exceed NDSW limitations; or
 - g. exceed normal residential unit volumes of Wastewater as established by the State.
- Section 1.35 Industrial Waste: The liquid, gaseous and solid wastes from industrial manufacturing processes, trade, or business.
- Section 1.36 Industrial Wastewater: The liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, business or Industrial User.
- Section 1.37 Infiltration/Inflow or I/I: Water other than Wastewater that enters the Sewer from the ground or from surface runoff, as defined in Minnesota Rules.
- Section 1.38 KRLSD: The Knife River-Larsmont Sanitary District, a public corporation and political subdivision in Lake County, Minnesota and its successors and assigns.
- Section 1.39 Load: Quantities of Wastewater characteristics such as BOD, TSS, or other constituents.
- Section 1.40 Metered Residential User: A User class consisting of a Residential User located on a Multi Structure/Parcel.

- Section 1.41 MPCA: The Minnesota Pollution Control Agency.
- Section 1.42 Multi Structure/Parcel: Common ownership, contiguous parcels and/or structures supporting or intended to support more than one temporary, seasonal, or permanent residential structure and discharging either NDSW or in excess of NDSW.
- Section 1.43 National Categorical Pretreatment Standards: Federal regulations establishing Pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities, found at Section 307(b) of the Clean Water Act.
- Section 1.44 National Pollutant Discharge Elimination System Permit or NPDES Permit: A permit issued by the United States Environmental Protection Agency/MPCA setting limits on pollutant strength that a permittee may legally discharge into the waters of the United States pursuant to Sections 402 and 405 of the Clean Water Act.
- Section 1.45 Natural Outlet: Any outlet, including Storm Sewers and combined Sewers, which flows into a water course, pond, ditch, lake or other body of surface water or ground water.
- Section 1.46 New Use: The redevelopment of a property for a different residential, business or industrial use, evidenced by a building permit issued by a Governmental Unit or by certain official government actions.
- Section 1.47 (intentionally omitted).
- Section 1.48 Normal Domestic Strength Waste or NDSW: Wastewater that is introduced primarily by Residential Users with the following characteristics:
- a. Flows are not to exceed 260 gallons per average day in the month of maximum annual discharge;
 - b. Flows exhibit Loads not to exceed 200 milligrams per liter (mg/L) of biochemical oxygen demand (BOD) and 200 mg/L of total suspended solids (TSS) (equivalent to 0.25 lbs. of BOD per day and 0.22 lbs. of TSS per day, or such other characteristics as may be established by WLSSD from time to time.
- Section 1.49 North Shore Land Use Plan: The North Shore Land Use Plan from Lester River to Two Harbors, dated December 31, 2001 which addresses land use issues and local development priorities along the north shore of Lake Superior within the territory of the DNSSD.

- Section 1.50 On-site Wastewater Disposal System; Individual Sewage Treatment System or ISTS: An arrangement of devices or structures for treating domestic or non-domestic Wastewater approved for use by applicable regulations of the State or County.
- Section 1.51 Operation, Maintenance and Replacement Costs or OM&R: Expenditures necessary to provide for the dependable, economical and efficient functioning of the Wastewater Treatment Facilities throughout their design life, including operator training and permit fees and the establishment of reasonable funds to offset depreciation of the Wastewater Treatment Facilities. Replacement refers to acquiring and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the Treatment Facilities to maintain the capacity and performance for which such system was designed and constructed, not the cost of future replacement of the entire facility.
- Section 1.52 OM&R Charge: a component of the Sewer Service Charge System consisting of a User's proportionate share of the OM&R.
- Section 1.53 Permit: Written authorization from the District to perform acts allowed or required by this Ordinance.
- Section 1.54 Person: Any individual, firm, company, association, society, corporation (municipal or otherwise) or other group discharging Wastewater to the Wastewater Treatment Facilities.
- Section 1.55 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Section 1.56 Plumbing Waste Fixture Unit Values: Values assigned to plumbing waste fixtures as defined in Appendix B of the CAF Manual, as amended from time to time. Pursuant to the CAF Manual, Plumbing Waste Fixture Units are typically installed in residential or commercial buildings including toilets, drinking fountains, sinks and floor drains.
- Section 1.57 Pretreatment: The treatment of Wastewater prior to introduction thereof in to the District or the WLSSD Treatment Works.
- Section 1.58 Private Sewer or Private Wastewater Disposal System: A privately-owned Wastewater disposal system, including but not limited to a privately-owned On-site Wastewater Disposal System.
- Section 1.59 Properly Shredded Garbage: Garbage and/or the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the Flow conditions normally prevailing in

the Sanitary Sewer, with no particle greater than 2 inch (1.27 centimeters) in any dimension.

- Section 1.60 Public Sewer(s): Any Sewer or pumping facility owned or operated by the District, the KRLSD or the WLSSD.
- Section 1.61 Residential User: A User of the Wastewater Treatment Facilities whose building is used primarily as a private residence and discharges NDSW. A Residential User's property consists of a stand alone structure providing temporary, seasonal, or permanent housing to a single household.
- Section 1.62 Sanitary District: The Duluth/North Shore Sanitary District formed and operated pursuant to Minnesota Statutes, Chapter 115, Sections 115.18 through 115.37.
- Section 1.63 Sanitary Sewer: A Sewer designed to carry only liquid and water carried wastes.
- Section 1.64 Service Connection: The point at which the Building Sewer meets and is connected to the Public Sewer.
- Section 1.65 Septage: Wastewater generated by an On-site Wastewater Disposal System. The term "Septage" also includes the wastewater derived from holding tanks, recreational vehicles; campers; portable toilets; boats, ships and other marine vehicles, and the like.
- Section 1.66 Septage Service Charge: In the event the Board undertakes the regulation of On-site Wastewater Disposal Systems, the fees and charges established from time to time for operation and maintenance of an On-site Wastewater Disposal System or Private Sewer by the District or for discharging Septage in to the Public Sewer.
- Section 1.67 Septage Service Charge System: The Septage Service Charge system established pursuant to Article XI of this Ordinance.
- Section 1.68 Sewer: A pipe or conduit that carries Wastewater or drainage water.
- Section 1.69 Sewer Access Charge or SAC or Connection Fee: The fees and charges established from time to time for access or connection to the Public Sewer.
- Section 1.70 Sewer Service Charge: The total of the User Charge which may include the Base Charge, the Volume Charge, the Extra Strength Charge, or any combination thereof.
- Section 1.71 Sewer Service Charge System or SSCS: The Sewer Service Charge system established pursuant to Article XI of this Ordinance.
- Section 1.72 Sewer Service Fund: The fund of the District created pursuant to Article XI of this Ordinance.

- Section 1.73 Slug: A discharge of water or Wastewater which in Load or Flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration of Flow or Load during normal operation.
- Section 1.74 State: The State of Minnesota, its successors and assigns.
- Section 1.75 State Disposal System Permit or SDS Permit: A permit issued by the MPCA pursuant to Minnesota Statutes Section 115.07 for a disposal system as defined by Minnesota Statutes Section 115.01, subdivision 5.
- Section 1.76 Standard Methods: The latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation.
- Section 1.77 Storage Facility: the wastewater storage facility constructed, operated and maintained to divert District flows during wet weather events that increase the risk of overflows within the WLSSD Treatment Works.
- Section 1.78 Storm Sewer: A Sewer intended to carry unpolluted surface and subsurface water from any source.
- Section 1.79 Superintendent: The official of the District who is authorized to enforce this Ordinance, or their authorized deputy, agent or representative. If the District has not designated a Superintendent, the functions of the Superintendent will be performed by the Board or a member of the Board designated by the Board or the Board's authorized agent or representative.
- Section 1.80 Suspended Solids (SS) or Total Suspended Solids or TSS: The total suspended matter that either floats on the surface of, or is in suspension in water, Wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods.
- Section 1.81 System: The District's portion of the Treatment Facilities.
- Section 1.82 Total Annual Metered Flow: The sum of metered Flows from August of the proceeding year through July of the current year.
- Section 1.83 Town of Duluth: The Town of Duluth, a public corporation and political subdivision in Saint Louis County, Minnesota and its successors and assigns.
- Section 1.84 Town of Lakewood: The Town of Lakewood, a public corporation and political subdivision in Saint Louis County, Minnesota and its successors and assigns.

- Section 1.85 Toxic Pollutant(s): The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Clean Water Act or Section 115.01, Subdivision 20 of Minnesota Statutes.
- Section 1.86 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. An example could be non contact cooling water.
- Section 1.87 User or Users: Those Residential Users, Commercial Users and Industrial Users which are connected to the Treatment Facilities.
- Section 1.88 User Charge: A charge to Users of the Wastewater Treatment Facilities or to owners of On-site Wastewater Disposal Systems for the use and availability of facilities and services provided by the District.
- Section 1.89 Volume Charge: A charge per thousand gallons of metered wastewater payable by all Commercial and Industrial Users. The Volume Charge is paid in addition to the Base Charge and addresses the variable operating expenses of the District.
- Section 1.90 Wastewater: A combination of the liquid and water carried wastes from the Users, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. The term "Wastewater" also includes Septage.
- Section 1.91 Wastewater Treatment Facilities or Treatment Facilities: The land, devices, facilities, structures, equipment and processes owned or used by the District, the City of Duluth, the Town of Duluth, the Town of Lakewood and the WLSSD for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal Wastewater, or structures necessary to recycle or reuse water including interceptor Sewers and the disposal of residues resulting from such treatment, or the devices necessary to determine the underground location of any of the foregoing. Outfall Sewers, collection Sewers, pumping, power, and other equipment and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
- Section 1.92 Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.
- Section 1.93 WLSSD: The Sanitary Board of the Western Lake Superior Sanitary District, a public corporation and political subdivision in Carlton and Saint Louis Counties, Minnesota and its successors and assigns.

- Section 1.94 WLSSD Treatment Charges: A component of OM&R consisting of charges for wastewater discharge by DNSSD into the WLSSD Treatment Works through the District's Treatment Facilities based upon the metered flow of wastewater from the District's Treatment Facilities.
- Section 1.95 WLSSD Treatment Charge Penalties: Penalty payments levied by the WLSSD for overflows attributable to the District.
- Section 1.96 WLSSD Treatment Works: The interceptor pipes or sewer lines and the wastewater treatment plant and appurtenant storage facilities owned and operated by the WLSSD.

ARTICLE II - GENERAL PROVISIONS

- Section 2.1 Purpose. The purpose of this Ordinance is to require and regulate the use of Private Sewers and Public Sewers within the District.
- Section 2.2 Construction. It is the intent of the District that this Ordinance be consistent with the policies, procedures and ordinances of the WLSSD to the extent possible. If, at any time, any conflict should arise between any provision of this Ordinance and the policies, procedures and ordinances of the WLSSD, the policies, procedures and ordinances of the WLSSD will in all cases be controlling.
- Section 2.3 Standard Methods. All measurements, tests and analyses of the characteristics of waters and waste to which reference is made in this Ordinance must be determined in accordance with the provisions set out in latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation ("Standard Methods"). Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent and Engineer.
- Section 2.4 Severability. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity will not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- Section 2.5 Amendments. This Ordinance cannot be amended except by further ordinance of the District.

ARTICLE III - CREATION; MANAGEMENT

- Section 3.1 Creation. There is created a Sewer utility within the District.

Section 3.2 Management. The Sewer utility created herein will be managed by the Board. The Board has control and general supervision of all Public Sewers and Service Connections within the District and is responsible for administering the provisions of this Ordinance to ensure that a proper and efficient Public Sewer is maintained. The Board reserves the right to undertake control and supervision of On-site Wastewater Disposal Systems within the District pursuant to this Ordinance.

ARTICLE IV - USE OF PUBLIC SEWERS REQUIRED

Section 4.1 Service Connection Required.

- a. Within 90 days of receiving written notification from the District, a property owner must install a suitable Service Connection, in accordance with the provisions of this Ordinance.
- b. When and whenever the Public Sewer becomes available to a property served by an On-site Wastewater Disposal System, use of the On-site Wastewater Disposal System must be discontinued, and a Service Connection must be made to the Public Sewer within 90 days of receiving written notification of Public Sewer availability from the District and any septic tanks, cesspools, and similar On-site Wastewater Disposal Systems must be abandoned and removed, or cleaned and filled with clean bank run gravel and otherwise in accord with current requirements of the County, the MPCA and all other regulatory agencies at the property owner's sole expense, unless such On-site Wastewater Disposal System is legally incorporated into the design of the Treatment Facilities.
- c. Each parcel or building not connected to a gravity sewer must be served by a single grinder pump or lift station. In the event the ownership of a parcel changes whether by conveyance, transfer, subdivision or other change in ownership form, including but not limited to conversion under Minnesota Statutes 515, 515A and 515B or successor statute, a grinder pump or lift station must be installed to serve each building or parcel not served by a gravity sewer.

Section 4.2 Failure to Connect.

- a. In the event an owner fails to connect to the Public Sewer and to terminate an On-site Wastewater Disposal System in compliance with a notice given under this Ordinance, the District may have said work done and may charge the User/owner the cost of the Service Connection and may collect such amounts in the manner set forth in Article XII.
- b. Costs for such Service Connection made by the District upon a User's/owner's failure to connect will include the actual cost of connection, the cost of abandonment of the On-site Wastewater Disposal

System and a Sewer Access Charge, or similar fees and charges, as defined in the Sewer Service Charge System.

ARTICLE V - ON-SITE WASTEWATER DISPOSAL SYSTEMS USE AND ABANDONMENT

- Section 5.1 Private Facilities Unlawful. Except as provided herein, it is unlawful to construct or maintain any Private Wastewater Disposal System or other private facility intended or used for the disposal of Wastewater.
- Section 5.2 Unavailability of Public Sewers. Where a Public Sewer is not available, as determined by the Board, the Building Drain must be connected to an On-site Wastewater Disposal System complying with the requirements of the County, the MPCA and all other regulatory agencies.
- Section 5.3 Construction of On-site Wastewater Disposal Systems. Before commencement of construction of an On-site Wastewater Disposal System the owner must first obtain a written Permit from the County Health Department.
- Section 5.4 Compliance with County Requirements. The type, capacities, location and layout of an On-site Wastewater Disposal System must comply with all requirements of the ordinances and regulations of the County. No On-site Wastewater Disposal System is permitted to discharge into any Natural Outlet.
- Section 5.5 Operation and Maintenance of On-site Wastewater Disposal Systems. The owner of an On-site Wastewater Disposal System must operate and maintain the On-site Wastewater Disposal System in a manner which complies with applicable State and County regulation at all times and at no expense to the District, other than expenses payable by the District pursuant to a contract with the owner of the On-site Wastewater Disposal System or this Ordinance.
- Section 5.6 Additional Legal Requirements. No statement contained in this Article may be construed to interfere with any additional requirements that may be imposed by the MPCA, the County, the State Department of Health, the WLSSD or other responsible federal, State, or local agencies.
- Section 5.7 Reservation of Powers. The District reserves the right to maintain and operate On-site Wastewater Disposal Systems pursuant to a contract with the owner or owners of such systems pursuant to this Ordinance or otherwise in accordance with law.

ARTICLE VI - PERMITS; LICENSES; APPLICATIONS; INSPECTIONS

Section 6.1 Permit(s) Required.

- a. Except for District employees or agents acting in the course of employment, no Person(s) may connect to, disconnect from, abandon, or make any alterations to the Public Sewer or any appurtenances thereof or any connection thereto without first:
 - i obtaining a written Permit from the District in accordance with any rules and regulations promulgated by the District pursuant to the provisions of this Ordinance; and
 - ii with respect to Service Connections only, submission to the District of a report, in form and substance satisfactory to the District and prepared by an Authorized Inspector which indicates that no I/I or Unpolluted Water will be discharged into the Public Sewer or Wastewater Treatment Facilities as a result of the Service Connection for which the Permit is sought.
- b. There will be two classes of Service Connection Permits:
 - i for Users discharging Normal Domestic Strength Wastewater to Sanitary Sewers; and
 - ii for Users discharging non-Normal Domestic Strength Wastewater to Sanitary Sewers.
- c. No Person(s) may make, construct or install any On-site Wastewater Disposal System or any appurtenances thereof or any connection thereto without first obtaining written Permits from the District and County.
- d. The owner or their agent must make application for a Permit on a special form furnished by the District. The application must be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent or necessary to comply with any rules or regulations of the Board.
- e. A Permit and inspection fee will be established by the District to defray inspection, administrative and other costs. The fee must be paid to the District at the time the application is filed.
- f. All costs and expenses incidental to the installation of the Service Connection or the On-site Wastewater Disposal System must be borne by the owner. The owner must indemnify the District from any loss or

damage that may directly or indirectly be occasioned by the installation of the Building Sewer or the On-site Wastewater Disposal System.

- g. No Service Connection Permit will be issued unless the Board, upon the recommendation of the Superintendent, first determines that:
 - i. all District and WLSSD Treatment Works have sufficient capacity to accommodate the Flow and Load to be discharged as a result of the Service Connection;
 - ii. the cumulative Flow and Load generated within the District (including the requested permitted capacity) are less the capacity limits defined in the Allocation Agreement;
 - iii. the design specifications for the Service Connection, including any pumps, are compatible with the Treatment Facilities;
 - iv. the report required by Subsection a. of this Section has been submitted to the District; and
 - v. the design and construction of the Service Connection complies in all respects with the provisions of this Ordinance and any rules and regulations promulgated by the Board.
- h. No Permit will be issued with respect to any property, the use of which is not in compliance with the requirements of any applicable land use and zoning regulations and the North Shore Land Use Plan, to the extent applicable. In making the determination as to whether the property proposed to be served is in compliance with the requirements of any applicable land use and zoning regulations and the North Shore Land Use Plan, the District may rely solely on representations and certifications made by the local unit of government in which the property proposed to be served is located.
- i. The applicant for the Permit must notify the Superintendent when the Building Sewer is ready for final inspection and installation of the Service Connection or ISTS is ready for inspection. The area to be inspected must be open for inspection and backfilling must not have commenced. All connections to the Public Sewer must be made under the supervision of the Superintendent or the Engineer.
- j. The Board may promulgate rules and regulations as to the manner in which permits will be issued. The rules and regulations must be placed on file in the general office of the District and will be effective upon such filing.

Section 6.2 License Required.

- a. An appropriate construction license is required to install a Service Connection. Any Person desiring a license must apply in writing to the District, providing satisfactory evidence of the applicant's qualifications. If approved by the Board, the license will be issued by the District upon the filing of a bond as hereinafter provided.
- b. In order to assure proper installation and performance, a license to install a Service Connection will not be issued until a performance bond in favor of the District is filed and approved by the District. Said performance bond shall be in the amount required by and set forth in Ordinance No. 3. The licensee will be required to indemnify the District and the property owner from all suits, accidents and damage that may arise by reason of any opening in any street, road, private road, alley or public ground, made by the licensee, by those in the licensee's employment, or those contracted by the licensee. The licensee will also be required to show proof of insurance coverage in form and substance satisfactory to the District with liability coverage in an amount equal to the limits set forth in Minnesota Statutes, Chapter 466, as amended from time to time.
- c. The cost of a license for making Service Connections will be established by the District by separate ordinance.
- d. All licenses automatically renew on December 31 of each calendar year unless the license is suspended or revoked by the District for any reasonable cause.
- e. The Board may promulgate rules and regulations as to the manner in which licenses will be granted. The rules and regulations must be placed on file in the general office of the District and will be effective upon such filing.

Section 6.3 License Revocation. The District may suspend or revoke any license issued under this Article for any of the following causes:

- a. Giving false information in connection with the application for a license.
- b. Incompetence of the licensee as determined by the Board.
- c. Willful violation of any provisions of this Ordinance or any rule or regulation pertaining to the making of Service Connections or installation of On-site Wastewater Disposal Systems.
- d. Failure to adequately protect and indemnify the District and the property owner.

- e. Failure to complete work promptly.
- f. Construction or performance of work that fails to pass inspection.

Section 6.4 Additional Information. The Superintendent and the WLSSD may require a User of Sewer services and a Person applying for Sewer service to provide information needed to determine compliance with this Ordinance. These requirements include, but are not limited to:

- a. Wastewater peak Flow and volume over a specified period of time;
- b. chemical analysis of Wastewater;
- c. information on raw materials, processes and products affecting Wastewater Flow and Load;
- d. quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to Sewer use control;
- e. a plot plan of the User's property showing Sewer and Pretreatment facility or Flow equalizing facility location;
- f. details of Wastewater Pretreatment or Flow equalizing facilities;
- g. details of systems to prevent and control the losses of materials through spills to the Public Sewer;
- h. copy of any related building permit;
- i. zoning compliance letter;
- j. project description;
- k. plat; and
- l. access to User's premises so that the District and WLSSD personnel carry out sampling, monitoring and measurement of User's discharges.

Section 6.5 Inspection Prior to Sale or Transfer. Prior to the sale or transfer of a property with an existing Service Connection, or prior to the transfer of service to a different User, the property will be inspected by an Authorized Inspector to ensure that no I/I or Unpolluted Water will be discharged into the Public Sewer or Wastewater Treatment Facilities.

- Section 6.6 Easement. The District will require a User of Sewer services and a Person applying for Sewer service to grant an easement in favor of the District over the property to be served for the purpose of installation of and access to the Public Sewer.
- Section 6.7 Disclosure of Information. Industrial Users are required to provide information concerning industrial processes that have a direct bearing on the type and source of discharge to the collection system. An industry may withhold information considered confidential. Nonetheless, the industry must establish that the information in question might result in an advantage to competitors and that the industrial process does not have deleterious impacts on the treatment process.
- Section 6.8 Rules and Regulations. The Board may promulgate rules and regulations as to the manner in which Service Connections must be made. The rules and regulations must be placed on file in the general office of the District and will be effective upon such filing.
- Section 6.9 Fees. The District will establish a schedule of license and permit fees to defray inspection, administrative and other costs incurred in performance of its obligations and duties under this Article. Any license, permit or inspection fee must be paid to the District at the time the application is filed with the District.

ARTICLE VII - BUILDING SEWERS AND SERVICE CONNECTIONS; DESIGN

- Section 7.1 Location. All Sewer extensions must be located in public streets, alleys or easements, and, when completed and approved, must become the property of the District.
- Section 7.2 Building Sewers.
- a. A separate and independent Building Sewer must be provided for each building with running water; provided that the Board may waive strict compliance with the foregoing requirement pursuant to Article 13 and in accordance with the Minnesota Plumbing Code. Any such waiver shall expire upon conveyance, transfer, division or other change in ownership form of the property, including but not limited to conversion under Minnesota Statutes 515, 515A, and 515B or successor statute. Upon expiration of such waiver, or upon conveyance, transfer, division or other change in ownership form of the property, the owner(s) of each parcel or building with running water must apply for a Service Connection Permit under Section 6.1 of this ordinance.
 - b. Existing Building Sewers may be used to serve new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.

- c. The size, slope, alignment, and materials of construction of a Building Sewer; the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench; and each Service Connection must conform to the requirements of the State Building and Plumbing Code, applicable rules and regulations of the District and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9. All Service Connections must be made gas and watertight and must be verified by proper testing to prevent Infiltration/Inflow. Any deviation from these prescribed procedures and materials must be approved by the District before installation.
- d. Whenever possible, the Building Sewer must be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Wastewater must be lifted by an approved means (which may not be inside the building) and discharged to the Building Sewer or Sanitary Sewer.
- e. No Person shall make connection of roof downspouts, areaway drains, or other sources of Unpolluted Waters such as storm water, ground water, roof runoff, subsurface drainage, unpolluted industrial water or cooling water to a Building Sewer or Building Drain which is connected directly or indirectly to a public Sanitary Sewer.
- f. No private Building Drain may extend beyond the limits of the building or property for which the Permit has been given.
- g. Any new connection to the Public Sewer is prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for Flow, BOD and TSS as determined by the Superintendent.
- h. The installation and operation of any Garbage grinder equipped with a motor of three fourths (3/4) horsepower or greater is subject to the review and approval of the Superintendent, or his/her authorized representative.
- i. All Building Sewers, Service Connections, pumps and other equipment must conform to specifications established by the District from time to time. Installation of a Building Sewer, Service Connection, pump or other equipment which does not comply with the requirements of the District will be a violation of this Ordinance. The District reserves the right to discontinue service to a property served by a Building Sewer, Service Connection, pump or other equipment which does not comply with the requirements of the District.

Section 7.3 Excavations must be Guarded. All excavations must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work must be restored to as good or better condition than before work commenced and in a manner satisfactory to the Superintendent.

Section 7.4 Rules and Regulations. The District may, by resolution, adopt reasonable rules and regulations relating to Sewer construction, use, maintenance, discharges, and deposit or disposal of all Wastewater, both directly or indirectly, within the District. Such resolution may adopt rules and regulations by reference.

Section 7.5 Sewer Access Charge. There must be paid to the District a Sewer Access Charge prior to any connection made to the Public Sewer. The amount of the Sewer Access Charge will be set by ordinance of the Board at the annual rate review hearing established by this Ordinance.

ARTICLE VIII - USE OF THE PUBLIC SEWER; WASTEWATER TREATMENT FACILITIES; METERING

Section 8.1 Unpolluted Water. No Unpolluted Water such as storm water, ground water, roof runoff, surface drainage, cooling water, etc. may be discharged to the Sanitary Sewer. Such water must be discharged only to Storm Sewers or to Natural Outlets approved by the District and other regulatory agencies. Industrial cooling water may be discharged, on approval of the Engineer, to a Storm Sewer or Natural Outlet, subject to approval and the issuance of a NPDES Permit.

Section 8.2 Septage. Septage may only be discharged or deposited into the Sanitary Sewer at locations specifically designated by the District.

Section 8.3 Prohibited Substances. No Person(s) may discharge or cause to be discharged any of the following substances in or to the Public Sewer:

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the Treatment Facilities or to the operation of the Treatment Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, benzene, naptha, fuel oil, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- b. Any substance which either singly or by interaction with other waste will injure or interfere with any waste treatment process or Wastewater Treatment Facilities, constitute a hazard to humans or animals in spite of treatment, create a public nuisance or create a hazard in the receiving

waters of the Wastewater Treatment Facilities, including but not limited to cyanides in excess of Federal and State requirements.

- c. Solid or viscous substances of such type or amount which may, either singly or by interaction with other wastes, cause obstruction to the Flow in a Sewer, or other interference with the proper operation of the Treatment Facilities such as, but not limited to, bone, fish heads, fish scales, fish entrails, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, sanitary napkins, feathers, tar, plastics, wood, Garbage which is not Properly Shredded Garbage, whole blood, paunch manure, hair and fletching, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.
- d. Wastewater or other substance having a pH of less than 5.5 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage or hazard.
- e. Wastewater containing Toxic Pollutants.

Section 8.4 Other Discharges. No Person may discharge or cause to be discharged the following described substance, materials, waters or wastes if it appears likely in the opinion of the Engineer and/or Superintendent that such wastes can harm either the Sewers, Sewage treatment process, or Wastewater Treatment Facilities, have an adverse effect on the receiving waters, streams, soils, vegetation and ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Engineer and/or Superintendent will give consideration to such factors as the Allocation Agreement, the Industrial Pre-Treatment Ordinance, the quantities of subject wastes in relation to the Flow and velocities in the Sewers, materials and construction of the Sewers, nature of the treatment process, capacity of the Treatment Facilities or the WLSSD Treatment Works, degree of treatability of the Wastewater, and other factors deemed pertinent. The substances prohibited are:

- a. Any Wastewater that would directly or indirectly result in a violation of the WLSSD's NPDES Permit.
- b. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C), or causing, individually or in combination with other Wastewater, the influent at the Treatment Facilities to have a temperature exceeding 104°F (40°C), or having heat in amounts which will be detrimental to biological activity in the Treatment Facilities.
- c. Any water or waste containing fats, wax, grease, oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 and 65 degrees C).

- d. Any Garbage that is not Properly Shredded Garbage.
- e. Any waters or wastes containing iron, chromium, copper, zinc, nickel, lead, cadmium, mercury, cyanide, PCBs, and similar toxic or objectionable substances to such degree that any such material received in the composite Sewage at the Treatment Facilities exceeds the limits established by the MPCA for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite Sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Board, in compliance with applicable State and Federal regulations.
- h. Materials which contain or cause, whether alone or by interaction with other substances, release of noxious gasses or form Suspended Solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that would interfere with the Treatment Facilities or create a condition deleterious to or cause disruption to the Wastewater Treatment Facilities and processes.
- i. Materials which contain or cause excessive discoloration which cannot be removed in the treatment process (such as, but not limited to, dye wastes and vegetable tanning solution).
- j. Unusual BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant Load on the Treatment Facilities, except by Permit or agreement.
- k. Unusual volume of Flow or concentration of wastes which constitutes a Slug.
- l. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment process employed, or are amenable to treatment only to such degree that the Treatment Facilities effluent cannot meet the requirements or cause a violation of the regulations of the agencies having jurisdiction over discharge to the receiving waters or are amenable to treatment only by the application of extraordinary processes.

- m. Wastewater with BOD or suspended solids levels greater than that defined as Normal Domestic Strength Waste, except as may be permitted by specific written agreement with the District subject to Section 8.11.
- n. Wastewater having a concentration of more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
- o. Wastewater containing substances which cannot be treated to produce effluent quality required by agreement for Wastewater treatment with WLSSD or causing a violation of any applicable local, State, or federal regulation.
- p. Noxious or malodorous liquids, gases, or solids.
- q. Water or waste containing substances which are not amenable to treatment or reduction by the Wastewater treatment processes employed or are amenable to treatment only to such degree that the Wastewater Treatment Facilities effluent cannot meet the requirements of the NPDES Permit issued to the WLSSD or are amenable to treatment only by the application of extraordinary processes.
- r. Any water, waste or material which would cause the District to be in violation of the Allocation Agreement.
- s. Wastewater contaminated by petroleum oil, fuel, organic solvents, or other toxic organic compound which contains more than 1 milligram per liter (mg/L) of anyone of the following compounds; benzene, ethylbenzene, toluene, and xylene (BETX). The sum of these four compounds must not be over 3 mg/L. Diesel range organics (DRO) and gasoline range organics (GRO) must each be less than 100 mg/l each. Lead must be under 1 mg/L and mercury less than 0.3 ug/L. For hauled Wastewater the concentrations must be less than 3 mg/l each for BETX with the combined total less than 10 mg/l. DRO and GRO must be less than 100 mg/L, lead less than 1 mg/L, and mercury less than 0.3 ug/L.

Section 8.5 Lower Limitations. The Board may set limitations lower than the prohibition limits outlined in Section 8.4 above. Consideration will be given to such factors as the quantity of waste in relation to Flows and velocities, materials of construction, WLSSD's NPDES Permit, capacity of the treatment plant, degree of treatability of wastes and other pertinent factors.

Section 8.6 Grease, Oil and Sand Interceptors.

- a. Grease, oil and sand interceptors (sometimes called traps) must be provided at the owners expense when, in the opinion of the

Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors must be of a type and capacity approved by the Board and the WLSSD and must be readily and easily accessible for cleaning and inspection. The owner will be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and must maintain a record of dates and means of disposal which are subject to review by the District.

- b. Any material removal and hauling must be performed by the property owners personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

Section 8.7 Pretreatment. Where Pretreatment or Flow equalizing facilities are provided or required for any water or waste, plans, specifications and any other pertinent information relating thereto must be submitted for approval of the District and the WLSSD. No construction of such facilities may be commenced until approval in writing is granted by the WLSSD in accordance with the Industrial Pre-Treatment Ordinance and the District. Where such facilities are provided, they must be maintained continuously in satisfactory and effective operating order by the owner at their expense and will be subject to periodic inspection by the District and the WLSSD to determine that such facilities are being operated in conformance with the applicable federal, State and local laws, regulations and permits. The owner must maintain operating records and must submit to the District and the WLSSD a monthly summary report of the character of the influent and effluent to show the performance of the Pretreatment facilities and for comparison against WLSSD and District monitoring records.

Section 8.8 Metering and Testing of Waste.

- a. Residential Users and Commercial Users. Where required by the District, any Residential User or Commercial Users must meter their Wastewater to be discharged to the Public Sewer. The District will own, maintain and install the required meter.
- b. Metering and Testing - Industrial Users. Where required by the District, Industrial Users must install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of Wastewater. The manhole will be safe and accessible at all times and must be constructed in accordance with the plans and specifications approved by the Superintendent and the WLSSD. The manhole must be installed by the owner at his/her expense, and must be maintained by him so as to be safe for use at all times.

- c. **Laboratory Analysis.** The District may require submission of laboratory analyses to illustrate compliance with this Ordinance and any special conditions for discharge established by the District or responsible regulatory agency. All measurements, tests and analyses to which reference is made in this Ordinance must be determined in accordance with the latest edition of Standard Methods. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis by the District. The Industrial User must supply a complete analysis of the constituents of the Wastewater discharge to assure that compliance with Federal, State and local standards are being met. The Industrial User must report the results of measurements and laboratory analyses to the District as such times and in such manner as prescribed by the District. The Industrial User must bear the expense of all measurements, analyses, and reporting required by the District. At such times as deemed necessary, the District reserves the right to take its own measurements and samples for analysis by an independent laboratory.
- d. **Metering and Testing of Users.** The District, in its sole discretion may require Users to install and maintain, at their own expense, a suitable structure or control manhole with such necessary meters and other testing equipment needed to facilitate observation, sampling and measurement of Wastewater as provided in Section 8.8b. for Industrial Users.
- e. **Water Meters.** Where required by the District, water meters must be installed on a User's water supply lines to facilitate measurement of Wastewater generated. The District will own, supply, install and maintain meters. The District will set a fee by ordinance to cover the costs of installation, maintenance, meter readings, etc. The meters must be accessible to the District at all times.

Section 8.9 Dilution of Discharges. No User may 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 Article, the National Categorical Pretreatment Standards and any State or local requirement.

Section 8.10 Accidental Discharges.

- a. Where required by the District, Users must provide protection from an accidental discharge of substances regulated by this Ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials must be provided and maintained at the owners expense. Detailed plans and operating procedures of said facilities must be submitted to the Superintendent for review and approval prior to

construction of the facility. Approval of such plans and operating procedures will not relieve User from the responsibility of modifying the facility as necessary to meet the requirements of this Ordinance.

- b. Users must notify the District immediately if a Slug or accidental discharge of Wastewater occurs in violation of this Ordinance. Notification will allow measures to be taken to minimize damage to the Treatment Facilities. Notification will not relieve Users of liability for any expense, loss or damage to the Treatment Facilities, or for fines imposed on the community by any State or federal agency as a result of their actions.
- c. A notice must be permanently posted on the Industrial User's bulletin board or other prominent place, advising employees of the emergency notification procedure in the event of a Slug or accidental discharge.

Section 8.11 Contracts with Users.

- a. Subject to the agreement for Wastewater treatment with WLSSD, no statement contained in this Article will prevent any special agreement or arrangement between the District and any User. Industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor and further subject to adequate pretreatment by the Industrial User, providing that National Categorical Pretreatment Standards and NPDES Permit and SDS Permit limitations are not violated, and that payment for the OM&R is in proportion to the Industrial User's contribution of Load to the Treatment Facilities, in accordance with the provisions of this Ordinance.
- b. The District additionally reserves the right to charge a Capacity Reservation Fee in conjunction with any Capacity Reservation made pursuant to a written agreement with a User or potential User.

ARTICLE IX - DAMAGE TO THE FACILITIES; REMEDIES

Section 9.1 General.

- a. No Person may maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Treatment Facilities.
- b. It is unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under jurisdiction of the District, any human or animal excrement, Garbage, or other objectionable waste.

- c. It is unlawful to discharge to any Natural Outlet or Watercourse within the District or in any area within the jurisdiction of the District, any Sewage or other polluted waters except where suitable treatment as defined by State and Federal Regulation and/or in accordance with the WLSSD's NPDES Permit has been provided in accordance with the provisions of this Ordinance.
- d. Any Person violating a provision of this Section is subject to immediate arrest and will be prosecuted to the full extent of the law.

Section 9.2 Deposits or Obstructions.

- a. No Person may permit any substance or matter that may form a deposit or obstruction of Flow to be discharged into the Public Sewer. Whenever any Service Connection becomes clogged, obstructed, detrimental to the use of the Public Sewer, or unfit for the purpose of drainage, the owner must make repairs as directed by the District.
- b. If 48 hours after receiving written notice from the District the property owner has not commenced repairs, the District may have said work done and may collect such amounts in the manner set forth in Article XII.

Section 9.3 Unauthorized Discharges.

- a. In the event of discharges or proposed discharges to the Public Sewers that contain substances or possess characteristics prohibited in this Ordinance or which in the judgment of the Superintendent and/or Engineer may have a deleterious effect on the Treatment Facilities, processes, equipment, receiving waters, soils, vegetation, or which create a hazard or nuisance, the Engineer and/or Superintendent may:
 - i. Refuse to accept the wastes.
 - ii. Require Pretreatment to an acceptable condition for discharge to the Public Sewers, pursuant to Section 307(b) of the Clean Water Act and all addenda thereof.
 - iii. Require control over the quantities and rates of discharge.
 - iv. Require payment to cover all the added costs of handling, treating and disposing of wastes not covered by existing taxes or Sewer Access Charges or Sewer Service Charges.
- b. If the Engineer and/or Superintendent permits the Pretreatment or equalization of Flow, the design and installation of the plant and equipment are subject to review and approval by the District and subject to

the requirements of all applicable Federal and State codes, ordinances, and the National Categorical Pretreatment Standards.

Section 9.4 Emergency Repairs. Notwithstanding anything in this Ordinance to the contrary, in the event of damage to Sewers or the Treatment Facilities which disrupts other Users, the District may without notice repair such damage.

Section 9.5 Charge for District Expenses. In addition to penalties that may be imposed for violation of any provision of this Ordinance, the District may charge the User/owner the cost of repairing or restoring Sewers and associated facilities damaged as a result of the discharge of prohibited wastes and may collect such amounts in the manner set forth in Article XII.

ARTICLE X - POWER AND AUTHORITY OF INSPECTORS

Section 10.1 Right of Entry. The Engineer and/or Superintendent and other duly authorized employees or agents or other authorized representative(s) of the District bearing proper credentials and identification must be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance. Notwithstanding the foregoing, the Superintendent or his/her representatives has no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industrial processes considered the property of the Industrial User beyond that point having a direct bearing on the kind and source of discharge to the Sewers or waterways or the Treatment Facilities.

Section 10.2 Indemnification. While performing work on private property as authorized by this Ordinance, the Engineer, Superintendent, or duly authorized employees of the District must observe all safety rules applicable to the premises and the owner will be held harmless for injury or death to such employee. The District will indemnify the owner against loss or damage claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence of the owner or the failure of the owner to maintain safe conditions as required under this Ordinance.

Section 10.3 Easements. The Superintendent and other duly authorized employee(s) or agent(s) or other authorized representative(s) of the District, bearing proper credentials and identification, must be permitted to enter all properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, repair and maintenance of any portion of the Treatment Facilities lying within said easement. All entry and subsequent work, if any, on said easement will be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE XI - SEWER SERVICE CHARGE SYSTEM; SEPTAGE SERVICE CHARGE SYSTEM; SEWER SERVICE FUND

Section 11.1 Systems Established.

- a. The Board establishes a Sewer Service Charge System.
 - i. All revenue collected from Users of the Wastewater Treatment Facilities located within the District will be used for payment of the cost of annual operation, maintenance, replacement reserves, capital costs, debt service and WLSSD Treatment Charges.
 - ii. Unless otherwise provided in a written agreement with the District, each User must pay the Base Charge which represents a proportionate share of operation, maintenance and replacement costs; provided that the District may establish a flat fee applicable to Residential Users.
 - iii. Each User may also be required to pay, as a component of the Base Charge, a Debt Service Charge that represents a proportional share of annual debt service payments on the District's outstanding indebtedness; provided that the District may establish the Debt Service Charge as a flat fee, payable annually or otherwise.

- b. In conjunction with the exercise of contractual obligations incurred pursuant to Section 5.7 of this Ordinance, the Board establishes a Septage Service Charge System.
 - i. In the event the Board undertakes the regulation of On-site Wastewater Disposal Systems, all revenue collected from owners of On-site Wastewater Disposal Systems located within the District will be used to offset the costs of the District incurred with respect to its operation and maintenance of such systems.
 - ii. The capital cost of an On-site Wastewater Disposal System must be borne by the owner thereof.
 - iii. Unless otherwise provided in a written agreement with the District, each owner must pay a proportionate share of operation, maintenance, replacement, and debt service costs based on the owner's proportionate contribution to the operation and maintenance of the On-site Wastewater Disposal Systems by the District; provided that the District may establish a flat rate or system of rates applicable to its services provided to or with respect to On-site Wastewater Disposal Systems.

- iv. The Board, in its sole discretion, may establish a separate system of rates and charges for extraordinary maintenance costs of an On-site Wastewater Disposal System.

Section 11.2 Charges.

- a. Unless otherwise provided in a written agreement with the District, charges to Users of the Wastewater Treatment Facilities will be determined and fixed in a Sewer Service Charge System (SSCS) and a Septage Service Charge System developed by the District according to the provisions of this Ordinance. Subsequent changes in the Sewer and Septage service rates and charges will be adopted by the District by ordinance.
- b. The Sewer Service Charges established in this Ordinance will not prevent either the assessment of additional charges to Users who discharge wastes with concentrations greater than NDSW or wastes of unusual character, or contractual agreements with such Users, as long as the following conditions are met:
 - i. No User is charged at a rate less than that of NDSW.
 - ii. The User pays a Base Charge and a Volume Charge in proportion to the User's contribution of Flow and Load to the Treatment Facilities.
 - iii. The measurements of such wastes are conducted according to the latest edition of Standard Methods in a manner acceptable to the Board, subject to the terms and conditions of this Ordinance; provided that Flow measurement may be accomplished using time of use meters attached to grinder pump stations.
 - iv. The WLSSD's NPDES Permit and Sewer use regulations are not violated.
 - v. The unit costs of treatment processes attributable to Flow, BOD, TSS and other significant loadings will be developed by the District for determining the proportionate allocation of costs to Users discharging wastes of greater than NDSW or wastes of unusual character. Such unit costs may be based on the Cost Apportionment Policy and related WLSSD Treatment Charges.
 - vi. Any additional costs caused by discharges to the Treatment Facilities of Toxic Pollutants or other Incompatible Wastes, including the cost of restoring the Wastewater Treatment Facilities

and/or related services, clean up and restoration of the receiving waters and environs, fines or penalties levied by regulatory agencies, and sludge disposal, must be borne by the discharger(s) of said wastes, at no expense to the District.

Section 11.3 User Classes.

- a. Users of the Wastewater Treatment Facilities may be identified as belonging to one of the following User classes, in the sole discretion of the Board:
 - i. Residential
 - ii. Commercial
 - iii. Industrial
 - iv. Other
- b. The allocation of Users to these categories will be the responsibility of the Superintendent.
- c. Allocation of Users to User classes will be based on the substantive intent of the definitions of these classes contained herein. One or more User classes may be combined.
- d. Industrial Users who discharge NDSW only, can be classified as Commercial Users for the purpose of rate determination.
- e. The following charges are identified and may be imposed for the use and/or availability of the Public Sewers:
 - i. Base Charge
 - ii. Extra Strength Charge;
 - iii. Sewer Access Charge or Connection Fee; and
 - iv. Volume Charge.

Section 11.4 Sewer Service Fund Established. The District establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and the Septage Service Charge System and all other income dedicated to the Wastewater Treatment Facilities.

Section 11.5 Administration of the Sewer Service Fund.

- a. The SSF will be held and administered by the District and must be separate and apart from all other accounts of the District. Revenue received in the SSF may be transferred to the following accounts established as income and expenditure accounts:

- i. Operation and Maintenance;
 - ii. Equipment Replacement; and
 - iii. Debt Retirement for the Treatment Facilities.
- b. The District will maintain a proper system of accounts and records suitable for determining the operation, maintenance, replacement and debt retirement costs of the Treatment Facilities.
 - c. The Board will determine annually whether sufficient revenue is being generated for the effective management of the Treatment Facilities and debt retirement. The Board will also determine whether the Sewer Service Charges and Septage Service Charges, if any, are distributed proportionately. If necessary, the District will revise the SSCS and the Septage Service Charge System to insure proportionality of Sewer Service Charges and sufficient funds for operation and maintenance of the Treatment Facilities and the On-site Wastewater Disposal Systems by the District and to retire any District indebtedness.
 - d. Sewer Service Charges and Septage Service Charges will be billed by the District on a monthly basis. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the User will be notified regarding the delinquent bill and subsequent penalty. Collection action will be taken and the penalty for delinquent payment will be the maximum rate allowed by law.

ARTICLE XII - PENALTIES FOR ORDINANCE VIOLATION

Section 12.1 Violation Unlawful. It is unlawful for any Person to violate any provision or to fail to comply with any of the requirements of this Ordinance.

Section 12.2 Notice. Any Person violating or found to have violated any provision of this Ordinance, except as set forth in this Article, is guilty of a misdemeanor and will be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The written notice also must state that the offender may request a hearing on the issue pursuant to Section 12.3. The offender must permanently cease all violations within the period of time stated in such notice, or the offender will be charged with a misdemeanor.

Section 12.3 Hearing.

- a. Any Person violating or found to have violated any provision of this Ordinance may, within 30 days of issuance of written notice from the Board of the violation, request a hearing on the issue, in which case no

penalty will be imposed until after the hearing is held. If, as a result of the hearing, there is no legal reason why a Person should not be penalized under this Article, the Board may immediately impose the penalty.

- b. A hearing shall be arranged through the Board's Secretary. The Secretary will notify the Chair that a hearing needs to be held to review the claim. It is within the Board's discretion to schedule a date and time for the hearing. The hearing may occur before the Board or before an officer thereby designated by the Board.

Section 12.4 Fines and Penalties.

- a. Any Person who continues any violation beyond the time limit provided for in Section 12.2 will be, subject to Section 12.3, fined an amount not exceeding the amounts prescribe therefor in Ordinance No. 3, for each violation and/or charged with a misdemeanor and must upon conviction be subjected to a fine and/or imprisonment in an amount and/or for a term not to exceed the maximums allowed by State law. In either case, the costs of prosecution as permitted by Minnesota Statutes, Rule of Court for the District Courts of Minnesota, and the Minnesota Rules of Criminal Procedure will also be imposed.
- b. Each act of violation and every day on which any such violation continues beyond the time limit provided for in Section 12.2 is a separate offense.

Section 12.5 Collection.

- a. To collect delinquent Sewer Service Charge or Septage Service Charge accounts or in the event the District charges a User/owner for the cost of any work permitted under this Ordinance, and such amounts are not immediately paid by the User/owner, the District may:
 - i. file a civil action suit;
 - ii. levy a lien against the violator's property, including related attorney fees; or
 - iii. certify unpaid penalties and charges and related expenses including attorney fees, to the County Auditor with taxes against the property served, for collection as other taxes are collected.
- b. A violator will be liable for interest on all unpaid balances at a rate of 6.00 percent annually.

Section 12.6 District Costs Incurred Under Section 4.2. In the event the District incurs costs under the provisions of Section 4.2 of this Ordinance, the District will assess the

cost thereof against the benefitted property. Such assessment, when levied, will bear interest to the rate determined by the Board and will be certified to the Auditor of the County and collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District are in addition to any penalties or remedial or enforcement provisions of this Ordinance.

Section 12.7 Liability. Any Person violating any of the provisions of this Ordinance will become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

Section 12.8 Enforcement Alternatives. Notwithstanding any provision in this Ordinance to the contrary, the District may use any remedy or alternative available in law or statute in the enforcement of this Ordinance, including exercise of the District's power of eminent domain, criminal or civil actions and the enforcement of the Hazardous and Substandard Buildings Act, Minnesota Statutes, Sections 463.15 through 463.261, which is incorporated by reference as though fully set forth herein.

Section 12.9 Remedies Cumulative. Any remedies or penalties provided in this Ordinance are cumulative and in addition to any other remedies, either in law or equity, that may be available to the District.

ARTICLE XIII – VARIANCES

Section 13.1 Request and Hearing.

- a. Any request for a variance from the provisions of this Ordinance shall be considered by the Board and may be heard at any regular meeting or at any special meeting called for that purpose. Any person seeking a variance shall submit the request for variance in writing and shall set forth the specific provision of the Ordinance from which a variance is sought and the factual basis for the request for such variance. Any request for variance must be submitted at least 20 days in advance of any meeting at which such a request is to be heard.
- b. The Board may call a special meeting for the purpose of considering a variance upon notice of such meeting as required by the Minnesota Open Meeting Law. Notice of the setting of a meeting for consideration of such variance shall be sent to the party(s) seeking such variance by U.S. mail, postage pre-paid, at least 7 days prior to the date set for said meeting.

Section 13.2 Required Findings. The Board may grant a variance only where the failure to grant such variance would result in extreme hardship to the person seeking such variance. The Board may impose conditions in the granting of a variance which must be met during the term of the variance. In considering such request for variance, the Board shall consider all relevant evidence including, but not limited to, the following:

- a. The specific nature of the hardship that would result from a strict enforcement of the specific Ordinance provision from which the variance is requested.
- b. The purposes of the Ordinance provision.
- c. The desire to maintain uniformity of treatment among the residents of the District.
- d. The effect that the granting of such variance would have upon future affairs of the Board, including its potential nature as a precedent.
- e. The general objectives and policies of the Board.
- f. The economic hardship that would result if a variance were not granted, provided, however, that potential economic hardship to the person seeking a variance shall not be the sole or determining criteria.
- g. The adverse effect that the granting of such variance would have upon the operations of the District.

Section 13.3 Inspection and Investigation. The Board may make or cause to be made such inspection or investigation as it may deem necessary or appropriate in considering any such request for variance. All evidence received by the Board and relied upon by it in making its determination shall be available for reasonable inspection by the public and shall be maintained within the Board's files in accordance with its document retention policy.

Section 13.4 Required Response Time. The Board shall render its final decision upon the request for variance within 60 days after the hearing provided for in Section 13.1 above. The Board shall make its final report and determination in writing and such final determination shall include specific factual findings supporting the Board's decision and any conditions imposed under Section 13.2. Such written decision shall be provided to the person requesting such variance and copies shall be maintained within the District's files in accordance with its document retention policy and shall be available for public inspection.

Section 13.5 Expiration of Variance. Any variance granted hereunder may expire and be of no further force or effect upon a change in the nature and purpose of the use for which the variance was originally granted or at such other time specified on the Board's final decision described in Section 13.4.

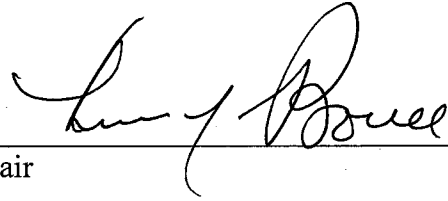
Section 13.6 Additional Procedures. The Board may, by resolution, adopt such additional procedures as may be necessary and expedient in connection with this Article.

ARTICLE XIV - VALIDITY

Section 14.1 Effect. This Ordinance will be in full force and take effect from and after its passage and publication as provided by law.

Section 14.2 Inconsistency. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are repealed to the extent of such inconsistency or conflict.


Originally adopted by the Board of Managers of the Duluth/North Shore Sanitary District, Saint Louis County, Minnesota on December 5, 2000 and amended on November 2, 2004, October 11, 2006, June 11, 2008 and Jan. 19, 2010.



A handwritten signature in cursive script, appearing to read "Larry Bouce", is written above a horizontal line.

Chair

ATTEST:



A handwritten signature in cursive script, appearing to read "Katherine A. Kuetlef", is written above a horizontal line.

Secretary

M:\DOCS\13263\000014\ORD\K5647804.DOC
1/15/2010 11:11 AM