

1st Submission for
contingent approval

Contingently Approved
by: Jay E. Sluiper

Date: April 17, 1991

Minnesota Pollution
Control Agency

ORDINANCE NO. 1993-1

CITY OF BROWNSDALE, MINNESOTA

AN ORDINANCE ESTABLISHING A SEWER SERVICE CHARGE
SYSTEM FOR THE CITY OF BROWNSDALE, MINNESOTA

An Ordinance providing for Sewer Service Charge to recover costs associated with:

- 1) Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
- 2) Local capital costs incurred in the construction of the City's Wastewater Treatment System.

ARTICLE I
Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

Sec. 1 Administration - Those fixed costs attributed to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

BOD

Sec. 2 Biochemical Oxygen Demand or BOD₅ - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Sec. 3 City - The area within the corporate boundaries of the City of Brownsdale, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term "City" may also refer to the City Council or its authorized representative.

commercial user
Debt service charge

Sec. 4 Commercial User - Any place of business which discharges sanitary waste as distinct from industrial wastewater.

Sec. 5 Debt Service Charge - A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

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Governmental User - Users which are units, agencies or instrumentalities of Federal, State, or local government discharging Normal Domestic Strength wastewater.

SEP 01 1989

4/8/91
corrected &
resubmitted
afg

Sec. 7 Normal Domestic Strength Wastewater - Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 200 mg\l and suspended solids concentrations not greater than 200 mg\l.

Sec. 8 Extra Strength Waste - Wastewater that is primarily produced by residential users, with BOD₅ and\or TSS greater than domestic waste as defined in Article I, Section 7 above and not otherwise classified as an incompatible waste.

Sec. 9 Incompatible Waste - Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Sec. 10 Industrial Users or Industries are:

a. Entitles that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas, and Sanitary Sewers
- Division I - Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

- BOD₅ Less than 200 mg\l
- Suspended Solids Less than 200 mg\l

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Sec. 11 Industrial Wastewater - The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E, and I manufacturers as distinct from domestic wastewater.

4/8/41
corrected
supplemental
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page 715

NDSW
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Sec. 7 Normal Domestic Strength Wastewater - Wastewater that is primarily produced by residential users, with BOD₅ concentrations not greater than 116 mg\l and suspended solids concentrations not greater than 116 mg\l.

Sec. 8 Extra Strength Waste - Wastewater that is primarily produced by residential users, with BOD₅ and/or TSS greater than domestic waste as defined in Article I, Section 7 above and not otherwise classified as an incompatible waste.

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- Division I - Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

- BOD₅ Less than 116 mg\l
- Suspended Solids Less than 116 mg\l

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

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Corrections
& Revisions
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- Sec. 12 Institutional User - Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Non-profit organizations).
- Sec. 13 Operation and Maintenance - Activities required to provide for the dependable and economical functioning of the treatment works, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance includes replacement.
- Sec. 14 Operation and Maintenance Costs - Expenditures for operation and maintenance, including replacement.
- Sec. 15 Public Wastewater Collection System - A system of sanitary sewers owned, maintained and controlled by the City.
- Sec. 16 Replacement - Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Sec. 17 Replacement Costs - Expenditures for replacement.
- Sec. 18 Residential User - A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.
- Sec. 19 Sanitary Sewer - A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- Sec. 20 Sewer Service Charge - The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users to the City's wastewater treatment facilities.
- Sec. 21 Sewer Service Fund - A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

Shall - is mandatory; May - is permissive.

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*Suggestion
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*Institutional
User*

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O+M

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Sec. 16 Replacement - Obtaining and installing of equipment, accessories, or appurtenances which are necessary during ~~the design life or~~ useful life, ~~whichever is longer~~, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

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*Residential
User*

Sec. 18 Residential User - A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

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SSC

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Sec. 22 Shall - is mandatory; May - is permissive.

- Sec. 23 Slug - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 24 Standard Industrial Classification Manual - Office of Management and Budget, 1972.
- Sec. 25 Suspended Solids (SS) or Total Suspended Solids (TSS) - The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.
- Sec. 26 Toxic Pollutant - The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.
- Sec. 27 User Charge - A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.
- Sec. 28 Users - Those residential, non-residential, and industrial establishments which are connected to the public sewer collection system.
- Sec. 29 Wastewater - The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.
- Sec. 30 Wastewater Treatment Works or Treatment Works - An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, 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.
- Sec. 31 Residential Equivalent Unit (REU) - A unit of wastewater volume of 500 gallons per day at a strength not greater than 200 mg/l of BOD5 and 200 mg/l of Total Suspended Solids.

*Supersedes
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part 425*

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TSS

user charge

ARTICLE II

ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

- Sec. 1 The City of Brownsdale hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditure incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.
- Sec. 2 Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater flow and loading from all users.
- Sec. 3 Each user shall pay debt service charges to retire local capital costs as determined by the City Council.
- Sec. 4 Sewer Service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a "Sewer Service Charge System" developed according to the provisions of this Ordinance. The Sewer Service Charge System shall be adopted by resolution upon enactment of this Ordinance, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in Sewer Service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.
- Sec. 5 Revenues collected for Sewer Service shall be deposited in a separate fund down as "The Sewer Service Fund". Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.
- Sec. 6 Sewer Service Charges and the Sewer Service Fund will be administrated in accordance with the provision of Article V of this Ordinance.

ARTICLE III

DETERMINATION OF SEWER SERVICE CHARGES

Sec. 1 Users of the City of Brownsdale wastewater treatment works shall be identified as belonging to one of the following user classes:

- 1) Residential
- 2) Commercial
- 3) Governmental
- 4) Institutional
- 5) Industrial

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Sec. 2 The charges assessed residential users and those users of other classes who discharge "Normal Domestic Strength Wastewater" shall be calculated on the basis of wastewater volume. Those "industrial users" who discharge "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

Sec. 3 For those users who discharge "Normal Domestic Strength Wastewater" as described in Sec. 2; above, wastewater volume will be calculated on the basis of: "Equivalent Residential Unit's (ERU)". "Equivalent Residential Units," at a volume of 500 gallons per day, will be assigned to connections according to Tables I and II; Appendix A (attached).

Determination of the number of ERU's assigned to a particular connection, in accordance with Tables 1 and 2 shall be the responsibility of the City Council or its authorized representative.

Sec. 4 Determination of User Charges

User Charges for Normal Domestic users shall be determined as follows:

A. Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater

$$Uomr = \frac{Comr}{REU}$$

Where: Uomr = Unit cost for operation, maintenance and replacement in \$/REU.

Comr = Total annual OM & R costs.

REU = Total annual Residential Equivalent Units.

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- 2) Commercial
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The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Sec. 2 Each user shall pay operation, maintenance, and replacement costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of BOD and TSS being the rate established for concentrations of 67 mg/l BOD, and 67 mg/l TSS (i.e. Normal Domestic Strength Wastewater).

9/16/116

Those "Industrial Users" discharging segregated "Normal Domestic Strength Wastewater" only, can be classified as "Commercial Users" for the purpose of rate determination.

Sec. 3 The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Wastewater" shall be established proportionately according to Residential Equivalent Units.

defr

Sec. 4 Determination of User Charges

User Charges for Normal Domestic users shall be determined as follows:

A. Calculation of Unit Cost for Treatment of Normal Domestic Strength Wastewater

$$Uomr = \frac{Comr}{REU}$$

Where: Uomr = Unit cost for operation, maintenance and replacement in \$/REU.

Comr = Total annual OM & R costs.

REU = Total annual Residential Equivalent Units.

B. Calculation of User Charge

$$UC = Uomr \times \text{Units}$$

Where: Uc = User Charge

Uomr = Unit cost for operation, maintenance and replacement in \$\REU.

Units = Number of Residential Equivalent Units.

Sec. 5 Recovery of Local Construction Costs

Local construction costs of the wastewater treatment facility will be recovered through a Debt Service Charge calculated using Residential Equivalent Units as follows:

- A. The annual debt service costs will be recovered through a Debt Service Charge based on Residential Equivalent Units as follows:

$$Uds = \frac{Cds}{REU}$$

Where: Uds = Unit Cost for debt service in \$\REU.

Cds = Cost of annual debt service.

REU = Total annual Residential Equivalent Units.

- B. Calculation of Debt Service Charge will be as follows:

$$Dc = Uds \times \text{Units}$$

Where: DC = Debt Service Charge

Uds = Unit Cost for Debt Service in \$\REU

Units = Number of Residential Equivalent Units

Sec. 6 Determination of Sewer Service Charges

The Sewer Service Charge for a particular connection shall be determined as follows:

$$SSC = Uc + Dc$$

Where: SSC = Sewer Service Charge

Uc = User Charge

Dc = Debt Service Charge

- Sec. 7 The Sewer Service charges established in this Ordinance shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength of wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

- 1) The user pays Operation, Maintenance, and Replacements costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of "Normal Domestic Strength Wastewater".
- 2) The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City as provided for in Ordinance No. _____ "An Ordinance Establishing Sewer Use Regulations".

A study of unit costs of collection and treatment processes attributable to Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.

ARTICLE IV

SEWER SERVICE FUND

Sec. 1 The City of Brownsdale hereby establishes a "Sewer Service Fund" as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

Att. VI,
Acc. X

The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

- 1) Operation and Maintenance Account
- 2) Equipment Replacement Account
- 3) Debt Retirement Account

Sec. 2 All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the "Operation and Maintenance Account," the "Equipment Replacement Account," and the "Debt Retirement Account" in accordance with State and Federal regulations and the provisions of this ordinance.

Sec. 3 Revenue generated by the Sewer Service Charge sufficient to insure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the "Equipment Replacement Account" and dedicated to affecting replacement costs. Interest income generated by the "Equipment Replacement Account" shall remain in the "Equipment Replacement Account."

Sec. 4 Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the "Operation and Maintenance Account."

ARTICLE V

ADMINISTRATION

The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

*art. V, sec. 1
annual audit*
Sec. 1 The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of such costs annually in January.

The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Article II, Section 2 of this Ordinance and Section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

The City shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Sewer Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

annual notification
Sec. 2 In accordance with Federal and State requirements each user will be notified annually in conjunction with a regular billing of that portion of the Sewer Service Charge attributable to operation, maintenance and replacement.

city clerk
Sec. 3 In accordance with Federal and State requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

method of collection
Sec. 4 Bills for Sewer Service Charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full after the due date will be considered delinquent. At that time the City shall notify the delinquent owner\occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill

Sec. 5 The owner of the premises, shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

Sec. 6'

toxic

Any additional costs caused by discharges to the treatment works of toxic or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the City.

ARTICLE VI

PENALTIES

- Sec. 1 Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises serviced, and all such charges which are on December of each year past due and delinquent, shall be certified to the County Auditor as taxes or assessments on the real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.
- Sec. 2 As an alternative to levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.
- Sec. 3 In addition to all penalties and costs attributable and chargeable to recording notices on the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the State's allowable interest rate.

ARTICLE VII

SEVERABILITY AND VALIDITY

- Sec. 1 If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.
- Sec. 2 The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204 (b) (1) (A) of the Clean Water Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.
- Sec. 3 This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.
- Sec. 4 Passed by the City Council of the City of Brownsdale, Minnesota on the 1st day of Feb, 1983.

Marvin Foster
Mayor

Attest:

Ada Foster
City Clerk

Published in the Austin Herald on the 7 day of Feb, 1983

Sewer Rate Ordinance

Appendix A

The following tables shall be used as a guide for determining the number of ERU's for various user classes.

TABLE I: Equivalent Residential Units (ERU's) for Various Residential Dwellings

Single family homes, townhouses, and duplex units	1.0 Unit
Condominiums and apartment units	0.8 Unit
Mobile Homes	1.0 Unit

TABLE II: Equivalent Residential Units (ERU's) for Various Commercial, Public and Institutional Facilities

<u>Facility Description</u>	<u>Parameter</u>	<u>Units</u>
Automobile Service	2 Service Bays	1.0 Unit
Banquet Room	1,000 Square Feet	1.0 Unit
Barber Shop	Each	1.0 Unit
Bowling Alley	3 Alleys	1.0 Unit
Car Wash - Self Service	1 Stall	1 to 2 Unit (Based on avg)
Car Wash - Service Station	Each	1 to 2 Unit (Based on avg)
Churches	250 Seats	1.0 Unit
Fast Service Restaurant	600 Square Feet	1.0 Unit
General Office Building	4,000 Square Feet	1.0 Unit
Hospitals	1 Bed	1.0 Unit
Laundromats	4 Washing Machines	1.0 Unit
Motels & Hotels	2 Rooms	1.0 Unit
Nursing Home	3 Beds	1.0 Unit
Restaurant, Drive-In	10 Parking Spaces	1.0 Unit
Restaurant	600 Square Feet	1.0 Unit
Retail Store	3,000 Square Feet	1.0 Unit
Rooming House	7 Beds	1.0 Unit
Schools (Elementary)	20 Students	1.0 Unit
Schools (Secondary)	15 Students	1.0 Unit
Service Station (Gas pumping only)	Each	1.0 Unit
Service Station with Service Center	Each	2.0 Unit
Swimming Pool	Each	1.0 Unit
Theatre	50 Seats	1.0 Unit
Theatre, Drive-In	50 Parking Spaces	1.0 Unit
Warehouse	15 Employees	1.0 Unit

The areas listed in the parameters include all interior areas utilized by the public and the employees for the conduct of the facility.