

ORDINANCE NO. 2

AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF THE ALEXANDRIA LAKE AREA SANITARY DISTRICT WASTEWATER FACILITIES

The Sanitary Sewer Board of the Alexandria Lake Area Sanitary District hereby ORDAINS:

Section 2:00 Alexandria Lake Area Sanitary District Wastewater Disposal System Facilities.

The fees, rates and charges for using the Alexandria Lake Area Sanitary District Facilities shall be, upon the conditions and in the amounts set forth in Section 2.00 et seq., except where this ordinance is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the Alexandria Lake Area Sanitary District.

Section 2:05 Definitions

For the purpose of this ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 1 “ALASD” (denoting Alexandria Lake Area Sanitary District) means individually or collectively all parts and facilities of the sewer system and wastewater treatment plant.

Subd. 2 “BOD” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation or organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 3 “Capital Costs” means all reasonable and necessary costs and expenses incurred by the Alexandria Lake Area Sanitary District in planning, designing, financing, and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; acquisition.

Subd. 4 “Commercial User” means all users of the system classified as industrial users in the Standard Industrial Classification Manual, 1972, U. S. Office of Management and Budget, as amended and supplemented under Divisions A, B, D, E, and I but who are excluded from such definition for the purposes of this ordinance, because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this ordinance as Domestic Users, Governmental Users, or institutional users.

Subd. 5 “Contract User” means all users who have a written contract with the Alexandria Lake Area Sanitary District to use the ALASD disposal system.

Subd. 6 “Debt Service” means the principal and interest necessary to pay bonded indebtedness.

Subd. 7 “Debt Service Charge” means the charge related to the principle and interest necessary to pay bonded indebtedness of facilities owned or operated by the ALASD.

Subd. 8 “Domestic User” means those establishments of which its related occupations, if any, are usually considered a domestic service and whose discharge consists solely of sanitary wastes.

Subd. 9 “Flow” means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 10 “General Municipal Flow” means the total sewage flow discharged to the District Disposal System Facilities, minus the flows from industrial users, other municipalities, and contract users and therefor includes sanitary wastes and infiltration.

General municipal flow includes flow from Domestic Users, Commercial Users; institutional users and Government Users.

General municipal flow, based on the design of the wastewater treatment facilities is further defined as flows containing 5-day BOD concentrations greater

than 290 mg/l, suspended solids concentrations no greater than 270 mg/l, and P concentrations no greater than 10 mg/l. Subd. 11 “General Municipal User” means any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users.

This category of user includes as sub-categories:

Domestic Users

Commercial Users

Institutional Users

Governmental Users, which are not contract users

Subd. 12 “Governmental User” includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies and agencies which provide general support services for government.

Subd. 13 “Industrial User” means any non-governmental user of the Alexandria Lake Area Sanitary District identified in the Federal Standard Industrial Classifications Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions.

- (a) Agriculture, Forestry and Fishing
- (b) Mining
- (c) Manufacturing
- (d) Transportation, Communications, Electric, Gas and Sanitary Services
- (e) Services

A user in the divisions listed may be excluded and treated as a commercial user if the Sanitary District Board determines it will primarily introduce domestic wastes or wastes from sanitary conveniences.

The BOD and suspended solid loads from Industrial Users will be based on the actual concentrations of those constituents, except that for industrial users with sewage containing BOD and suspended solids concentrations less than the concentrations as defined for General Municipal Flow, the charges shall be based on concentrations as defined for General Municipal Flow.

Industrial users shall be subject to the Industrial Cost Recovery System (ICRS).

Subd. 14 “Industrial Cost Recovery Charges” (ICRC) means the charge levied upon each industrial user of the ALASD facilities as payment for the users share of the total amount of grants received by the ALASD and related to Title II of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 42-500, 33 U.S.C. 1251 et seq.).

Subd. 15 “Institutional User” means those establishments engaged in activities of a non-economic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this ordinance.

Subd. 16 “Load” means quantities of sewage characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter mg/l or pounds per twenty-four (24) hours (lbs./24 hours).

Subd. 17 “Operation and Maintenance Costs” (O & M Costs) means the expenses related to the costs of the operation, maintenance, replacement and administration of the ALASD facilities.

Subd. 18 “P” (denoting Phosphorous) means phosphorous.

Subd. 19 “Replacement Costs” means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the ALASD facilities for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.

Subd. 20 “Sanitary Wastes” means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subd. 21 “Sewage” means the liquid carried waste products from whatever source derived, together with such ground water infiltration and surface water as may be present.

Subd. 22 “Sewer” means a pipe or conduit for carrying sewage industrial waste and other waste liquids.

Subd. 23 “Sewer Service Charge” means the aggregate of all the charges including the user charges, debt service charges, industrial cost recovery charges and other sewer related charges that are billed periodically to users of the ALASD facilities.

Subd. 24 “Sewer System” means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

Subd. 25 “Significant Industrial User” means any industrial user who discharges sewage which constitutes greater than ten per cent (10%) of the design flow or design pollutant loading of the wastewater treatment plant.

Subd. 26 “SS” (denoting Suspended Solids) means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of water and wastewater.

Subd. 27 “User” means any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the District disposal system facilities.

Subd. 28 “User Charge” means a charge levied on users of ALASD facilities for the cost of operation and maintenance of such facilities.

Subd. 29 “Wastewater Treatment Plant” means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage.

Section 2:10 General

It is the purpose of this ordinance to recover from users of the ALASD Facilities, on an equitable basis, the share of the ALASD facilities costs attributable to such users, and to provide funds for the operation and maintenance, debt service, replacement and improvements of the ALASD.

Subd. 1 The user charges provided for in this section are hereby levied and assessed upon each lodge, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the sewer system.

Subd. 2 The Sanitary District Board shall annually determine and fix the unit costs for use of the Alexandria Lake Area Sanitary District on the basis of Flow, BOD, P, SS, and any other pollutant, taking into consideration the cost of treatment of such sewage, and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section.

Subd. 3 The Executive Director shall compute the amount due the Alexandria Lake Area Sanitary District for sewer user charges and render a statement thereof, at periodic intervals, as directed by the Sanitary District Board to the owner or occupant of any premises using the Alexandria Lake Area Sanitary District facilities. All amounts due hereunder shall be payable at the office of the ALASD or other designated locations.

Subd. 4 The Executive Director shall in August of each year provide to the Sanitary District Board an internal audit report that will address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total (O & M costs; the necessity of maintaining a proportionate system of user charges pursuant to 40 CFR 35.935-13(b); the need to review the replacement account to determine its proper level of

funding; and a review of the ICRS to assure that each industrial user pays its share of the federal grant amount used to construct ALASD facilities for industrial waste treatment.

Section 2:15 Charges, a Lien

Each charge levied pursuant to this section shall be a lien against the property, and all such charges due on September 30 of each year, more than thirty (30) days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the Executive Director to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be expended upon the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer and paid to the Alexandria Lake Area Sanitary District along with other taxes.

Section 2:20 Civil Action

Any charges levied pursuant to this section, and which have been properly sent to the occupant or owner and not paid, may be recovered in a civil action by the ALASD in any court of competent jurisdiction.

Section 2:25 Funds from User Charges

The funds received from the collection of the charges authorized by this ordinance shall be deposited as collected in the District Disposal System Operating Fund and shall be used for the operation, maintenance, debt service, replacement, and improvements of the ALASD except that the portion of any such funds which is limited to a particular use by applicable State or Federal rules or regulations, shall be used in compliance with such restrictions.

Section 2:30 Unit Cost Categories

The cost to be recovered pursuant to this ordinance and the unit cost to be fixed by the Sanitary District Board in Subsection 2.10. Subd. 2 shall be determined and allocated in each of the following categories:

“Category A.” Debt Service for Wastewater Treatment Facilities Project of 1976.

This shall be the amount of the annual interest and principal cost necessary to retire the bond issued to pay for the local share of said project cost.

“Category B.” Debt Service - City Sewage Treatment Plant

This shall be the amount of the annual principal and interest costs necessary to retire the bonds issued by the City for the construction of the South Sewage Treatment Plant.

“Category C.” Operation and maintenance—District Disposal System facilities.

This shall be the annual cost of operating and maintaining the District Disposal System facilities including an amount for replacement costs of personal property which shall be segregated in a separate fund.

Section 2:40 Measurements of Strength and Volume

Subd. 1 When required by the ALASD each industrial user shall install suitable measuring, sampling and analyzing devices in compliance with the sewer use code, Section 1:10 Subd. 1

Subd. 2 The ALASD shall not require installation of such devices where the ALASD determines that such industrial user has concentrations of BOD, P and suspended solids no greater than the concentration of such constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In such cases the charges to those industrial users shall be based on the flow rate as determined and on BOD, P and SS loads equal to the average load of the general municipal flow.

Subd. 3 Each industrial user required by the ALASD to install and maintain sewerage monitoring facilities shall submit to the ALASD a monthly report of daily flow, BOD, P and SS, on a form approved by the ALASD. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month.

Subd. 4 The ALASD shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the user's flow and to analyze the samples obtained by the industrial user.

In the event of any discrepancy between the flows or loads determined by the ALASD and the industrial user, the values determined by the ALASD shall be used for billing purposes.

Section 2:50 Charges for General Users - Domestic, Commercial, Institutional and Governmental Users.

Subd. 1 The charge for general users for this section shall be determined by adding the total annual cost of Categories A, B, and C and subtracting therefrom the total fees collected from other municipalities, contract users and industrial users which are applied to such category costs. The balance remaining divided by the total annual estimated volume of wastewater less the estimated volume for municipalities, contract users and industrial users, shall be the unit cost per volume of wastewater.

Subd. 2 The charges to Domestic Users shall be the product of the unit cost obtained in accordance with 2:50, Subd. 1 and the quantity of water used by such user as measured by the city water meter on the premises, provided, however, that in determining the charge to be paid for premises used exclusively for residential purposes, the water meter readings from the first quarter of each year may be used as the basis for the computation of such user charges for each billing period for that year.

Subd. 3 The charges to commercial users shall be the product of the unit cost obtained in accordance with 2:50 Subd. 1 and the quantity of water used by such user as measured by the city water meter on the premises.

Subd. 4 The charges to institutional users shall be the product of the unit cost obtained in accordance with 2:50 Subd. 1 and the quantity of water used by such user as measured by the city water meter on the premises.

Subd. 5 The charges to governmental users shall be the product of the unit cost obtained in accordance with 2:50 Subd 1 and the quantity of water used by such user as measured by the city water meter on the premises.

Subd. 6 In the event a general municipal user is not supplied with City water or the water so used is not measured the user charge shall be fixed and determined by the Sanitary Sewer Board in such methods as they may find just, equitable and practicable.

Subd. 7 If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the ALASD and engage, at his own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set.