

CHAPTER 53: WASTEWATER

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RULES AND REGULATIONS RELATING TO WASTEWATER FACILITIES

§ 53.01 FEES, RATES AND CHARGES.

The fees, rates and charges for using the City of Breezy Point facilities shall be, upon the conditions and in the amounts set forth in this section, except where this section is declared inapplicable for a particular user by a written contract providing for alternative charges between the user and the city.
(Prior Code, § 3.30, Subd. 1)

§ 53.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed in milligrams per liter, as determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

CAPITAL COSTS. All reasonable and necessary costs and expenses

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incurred by the city 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 and the acquisition of the facilities.

CITY SEWER SYSTEM AND CITY WASTEWATER TREATMENT PLANT.

Individually or collectively all parts and facilities of the sewer system and Wastewater Treatment Plant.

COMMERCIAL USER. All users of the system classified as industrial users in the *Standard Industrial Classification Manual*, 1972, United States Office of Management and Budget, as amended and supplemented under Division A, B, C, E and I, but who are excluded from the definition for the purposes of this section because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include the exempted users who are otherwise classified in this section as domestic users, governmental users or institutional users.

CONTRACT USER. All users who have a written contract with the city to use the City Sewer System or City Wastewater Treatment Plant.

DEBT SERVICE. The principal and interest necessary to pay bonded indebtedness.

DOMESTIC USER. Those establishments of which its related occupations, if any, are usually considered a domestic service and whose discharge consists solely of sanitary wastes.

EQUIVALENT RESIDENTIAL UNITS. A number expressed in terms of gallons per day, determined by the Council, to represent the volume of wastewater generated by a typical single family home. Further defined by an analysis that considers the theoretical contribution of 250 mg/l of BOD and 250 mg/l of total suspended solids and a sewage flow of 250 gallons per day as one ERU.

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FLOW. The quantity of sewage expressed in gallons or cubic feet per 24 hours.

GENERAL MUNICIPAL FLOW. The total sewage flow discharged to the treatment facilities and therefore includes sanitary wastes and infiltration.

MUNICIPAL FLOW, based on the design of the wastewater treatment facilities, is further defined as flows containing five-day BOD concentrations not greater than 250 mg/l, and suspended solids concentrations no greater than 250 mg/l.

GENERAL MUNICIPAL USER. Any user discharging sewage to the general municipal flow. This category of user includes as sub-categories:

- (1) Domestic users;
- (2) Industrial Users

INDUSTRIAL USER.

(1) Any non-governmental user of the Wastewater Treatment Facilities 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, communication, electric, gas and sanitary services; and
- (e) Services.

(2) A user in the divisions listed may be excluded and treated as a commercial user if the city determines it will primarily introduce domestic wastes

or wastes from sanitary conveniences.

(3) 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 WASTE. Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from development of any natural resources.

LOAD. Quantities of sewage characteristics such as BOD, SS and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs/24 hours).

OPERATION AND MAINTENANCE COSTS (O&M COSTS). The expenses related to the costs of the operation, maintenance, replacement and administration of the city facilities.

REAL ESTATE CODE. A code number established by the county to denote a tax parcel.

REPLACEMENT COSTS. Costs of obtaining and installing equipment, accessories or appurtenances necessary to maintain the capacity and performance of the city facilities. The term **OPERATION AND MAINTENANCE** includes replacement.

SANITARY WASTES. The liquid and water carried wastes discharged from sanitary plumbing facilities.

SEWAGE OR WASTEWATER. The liquid carried waste products from whatever source derived, together with the ground water infiltration and surface water as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial waste and other waste liquids.

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SEWER AVAILABILITY CHARGE. A charge for the availability of or extension of a sewer main to a specific property. The Sewer Availability Charge pays for the users share of capital costs of the City Sewer System and City Wastewater Treatment Plant. A Sewer Availability Charge is equivalent to the number of ERU's calculated for the property. The Sewer Availability Charge shall be set from time to time by resolution of the Council.

SEWER SERVICE CHARGE. The aggregate of all the charges including the user charges, and other sewer related charges that are billed periodically to users of the city facilities.

SEWER SYSTEM. Pipelines or conduits, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

SIGNIFICANT INDUSTRIAL USER. Any industrial user who discharges sewage constitutes greater than 10% of the design flow or design pollutant loading of the Wastewater Treatment Plant.

SS or SUSPENDED SOLIDS. 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*.

USER. Any person or corporation, or other entity, whether municipal or otherwise, discharging sewage into the city disposal system facilities.

USER CHARGE. A charge levied on users of city facilities for the cost of operation and maintenance of the facilities.

WASTEWATER TREATMENT PLANT. Any facility, appurtenant structures or arrangement of devices used for the treatment of sewage.

(Prior Code, § 3.30, Subd. 2) (Ord. 04-01-07, passed 4-2-2007, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.03 GENERAL PROVISIONS.

It is the purpose of this chapter to recover from users of the city facilities, on an equitable basis, the costs attributable to the users and to provide funds for

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the operation and maintenance, debt service, replacement and improvements of the City Sewer System and City Wastewater Treatment Plant.

(A) The user charges provided for in this subdivision 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. If a property owner has been given notice to connect to sewer and fails to meet the deadline for connection a user charge shall be imposed regardless of connection.

(B) The Council shall annually determine and fix the unit costs for use of the city treatment facilities on the basis of flow, BOD, SS and any other pollutants, taking into consideration the costs of treatment of the sewage, and may increase or decrease the unit costs as often and in the amounts as may reasonably be required to accomplish the purposes of this subdivision.

(C) The city shall compute the amount due the city for sewer use charges and render a statement thereof, at periodic intervals, as directed by the Council to the owner or occupant of any premises using the city facilities. All amounts due hereunder shall be payable at the office of the City Clerk-Treasurer or other designated locations.

(D) The City Clerk-Treasurer shall in October of each year provide to the Council an internal audit report that will address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total operation and maintenance costs, the necessity of maintaining a proportionate system of user charges pursuant to 40 C.F.R. § 35.935-13 (b), the need to review the replacement account to determine its proper level of funding.

(Prior Code, § 3.30, Subd. 3) (Ord. 04-01-07, passed 4-2-2007, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.04 FUNDS FROM SEWER SERVICE CHARGES.

The funds received from the collection of the charges authorized by this chapter shall be deposited as collected in the City Sewer Enterprise Fund and shall be used for the operation, maintenance, debt service, replacement and improvements of the City Sewer System, 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 the restrictions.

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(Prior Code, § 3.30, Subd. 4) (Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.05 UNIT COST CATEGORIES.

(A) The cost to be recovered pursuant to this chapter and the unit cost to be fixed by the Council shall be allocated in each of the following categories:

(1) *Category A. Sewer availability charge.* One Sewer Availability Charge is equivalent to one ERU.

(2) *Category B. Operation and maintenance; City Wastewater Treatment Plant and Sewer System.*

This shall be the annual collected cost of operating and maintaining the City Sewer System and City Wastewater Treatment Plant, including an amount for replacement costs of related equipment, which shall be segregated in a separate fund.

(Prior Code, § 3.30, Subd. 5) (Ord. 04-01-07, passed 4-2-2007, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.06 INDUSTRIAL CHARGES AND INDUSTRIAL COST RECOVERY CHARGES.

(A) Industrial charges for Category fees shall be determined as follows:

(1) The Sewer Availability Charge for an Industrial User shall be calculated by determining the number of Equivalent Residential Units that are attributable to the strength and flow of the use.

(2) In the event an industrial user needs for wastewater services requires excess capacity, construction or additional equipment that would exceed the revenue derived from the Sewer Availability Charges as defined above the city shall require additional compensation to accommodate these requirements, provided the sewer user is acceptable to the city and the city is willing to accommodate the sewer user.

(B) The industrial user charges for operation and maintenance of the city facilities (Category B) shall be determined considering the following:

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(1) The Category B charges for industrial users shall be based on the number of Equivalent Residential Units determined for each user, metering of water flow, or other appropriate method.

(2) The city shall have the power to classify the Industrial Wastes discharged from any lot, parcel of land, building or premises into the sewer system of the city, taking into consideration the quality of the sewage produced and its concentration, strength of pollution qualities in general and of any other factors impacting upon the cost of its disposal, for the purpose of fixing and prescribing a distinct rate for a user charge. The city may require and prescribe pretreatment of sewage on the consumer's premises.

(Prior Code, § 3.30, Subd. 6)(Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.07 MEASUREMENTS OF STRENGTH AND VOLUME.

(A) When required by the city, each industrial user shall install suitable measuring, sampling and analyzing devices.

(B) The city shall not require installation of the devices where the city determines that the industrial user has concentrations of BOD, no greater than the concentration of the 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 loads equal to the average load of the general municipal flow.

(C) Each industrial user required by the city to install and maintain sewerage monitoring facilities shall submit to the city a monthly report of daily flow and BOD on a form approved by the city. This report shall be used for billing purposes and shall be submitted prior to day 15 of the subsequent month.

(D) The city 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 city and the industrial user, the values determined by the city shall be used for billing purposes.

(Prior Code, § 3.30, Subd. 7) (Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.08 CHARGES FOR GENERAL USERS.

(A) The Category A and B charges for general municipal users shall be based on the number of equivalent residential units determined for each user. Category B charges for non-residential multiple ERU metered users shall be as specified in section 53.11. All non-industrial unmetered sewage contributors to the system shall be billed directly proportional to the standard equivalent residential units according to each sewage contributors amount of flow and strength of sewage, assigned as follows:

(1) *Standard equivalent residential units for various residential units.*

(a) Single-family houses, townhouses, apartments, mobile homes, condominiums, summer or seasonal cottages and homes, and duplex units (per unit regardless of connections) shall each comprise one unit;

(b) Condominium motel units shall each comprise 50% of an equivalent residential unit; and

(c) Camp sites at Whitebirch Subdivision shall each comprise one-fifth of an equivalent residential unit or more as determined by data and records of flow and wastewater strengths at the sewage plant and mutual agreement by all parties concerned.

(2) *Standard equivalent residential units (ERU) for various commercial, public and institutional facilities.* The ERU's for facilities listed below shall be as set in the following chart. In the event a use is not adequately represented by the standard equivalents in this section, the Metropolitan Council sewer system of Sewer Availability Charges may be used as a reference to determine an appropriate equivalent residential unit determination.

<i>Type Of Facility</i>	<i>Parameter</i>	<i>ERUS</i>
Arenas	100 seats	1
Automobile service	4 service bays	1

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<i>Type Of Facility</i>	<i>Parameter</i>	<i>ERUS</i>
Ballroom	800 square feet	1
Banquet room: Food catered	2,000 square feet	1
Banquet room; Food preparation	800 square feet	1
Barber shop	4 chairs	1
Bowling alley	3 alleys	1
Churches	250 seats	1
Cocktail lounge	400 square feet	1
Fast service restaurant (minimal dishwashing, ie. pizza parlor, McDonalds and the like)	600 square feet	1
General office building (share common toilet)	Each office	0.5
General office building	2,400 square feet office area	1
Golf course club house	45 seats	3
Hospitals	1 bed	1
Laundromats	6 washers	1
Motels and hotels	2 rooms	1
Nursing home	3 beds	1
Restaurant (drive-in)	9 parking spaces	1
Restaurant	400 square feet store area	1
Small resorts (no more than 6 units)	Rental units	0.5
Rooming houses	3 bedrooms	1
Schools (elementary)	20 students	1
Schools (secondary)	15 students	1
Service station	3000 square feet	1
Swimming pools	900 square feet pool area	1
Theater	60 seats	1
Theater (drive-in)	50 parking spaces	1
Warehouses	15 employees	1

(Ord. 10-007, 3rd Series, passed 5-03-2010)

(3) *Interior areas; units not included; required for determination.* The uses listed in the chart above include all interior areas utilized by the public and the employees for the conduct of the facility. The number of equivalent units for a facility not included in the above list will be determined by the Council. A

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request for determination should be made prior to the issuance of the building permit.

(B) The Category B charge, user charge for operation and maintenance, shall be determined by adding the total annual cost of Category B and subtracting there from the total fees collected, contract users and industrial users that are applied to the category costs. The balance remaining divided by the total number of equivalent residential user units shall be the annual Category B charge per equivalent residential unit.

(C) The Category A cost, shall be collected at the time of each connection to the City Sewer System and City Wastewater Treatment Plant. No premise shall be connected to the sewer without first paying the Sewer Availability Charge. Any connection made without a permit for connection shall pay a double Sewer Availability Charge. The sewer availability charge shall be payable upon the issuance of a building permit, or a sewer connection permit, as the case may be.

1) For properties where a sewer main was constructed and available and has paid a sewer fee for sewer main installation but did not connect to the sewer at that time, the Sewer Availability Charge (SAC) shall be the SAC rate at the time of connection.

(2) For properties where a sewer main was previously constructed and available to properties that have paid no sewer fee for sewer main installation, the fee for sewer main shall be set at \$3913.20 for 2011 and shall increase by \$75 per year per ERU that connects to the City Sewer System. The Sewer Availability Charge shall also apply at the time of connection.

(3) For properties that connect to the ISD 186 School Sewer Project sewer main, the Sewer fee for sewer main shall be set at \$3913.20 for 2011 and shall increase by \$75 per year per ERU. The Sewer Availability Charge shall also apply at the time of connection.

(4) Before fixing any charge on a property associated with a past sewer project the assessment rolls shall be reviewed to determine what fees or charges were imposed on the property to be connected to sewer to determine the appropriate charge.

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(5) The Sewer Availability Charge for all properties where sewer mains were constructed after 2011 shall be set by from time to time by resolution of the council.

(D) All building permits issued by the city for alterations and/or additions to existing buildings or structures will be subject to a revised Category A and Category B charge if the addition or alteration will increase wastewater discharge. The number of equivalent residential units will be determined in the same manner as above described. The sewer availability charge (Category A) for the alterations or additions shall be paid in full at the time of the building permit issued or as other ordinance provisions allow.

(Prior Code, § 3.30, Subd. 8) (Ord. 04-01-07, passed 4-2-2007, Ord. 10-007, 3rd series, passed 5-3-2010, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.09 SEWER AVAILABILITY CHARGE

(A) All new users of the sewer system will be charged a Sewer Availability Charge based on the number of ERU's established for a facility.

(B) When any parcel of land is developed, creating more equivalent residential units than were originally charged against that parcel, each additional unit shall be charged an additional Sewer Availability Charge as determined by the city.

(C) This fee shall be paid upon hooking up to sewer or on the date of issuance of a building permit. The owner can elect to pay the sewer fee over up to 15 years with interest at a rate to be determined by the council. The assessment amounts shall be certified to the County Auditor and shall be added to the county real estate tax rolls.

(Prior Code, § 3.30, Subd. 9) (Ord. 04-01-07, passed 4-2-2007, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.10 SEWER IMPROVEMENT FUND.

(A) All funds derived from the Sewer Availability Charge collected under this chapter, shall be placed into a separate Sewer Improvement Fund.

(B) This fund shall be invested in accordance with city investment practices,

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with all proceeds from investments to be returned to the fund.

(C) All monies in this fund may be used only for the following purposes:

(1) Payment of non-assessable portions of sanitary sewer collection system extensions;

(2) Payment of the local share of treatment system expansion; and

(3) Payment of bonds on the debt of the existing collection and treatment systems.

(4) Payment of a portion of the assessable costs of installation of sewer mains in the right-of-way as determined by the city council.

(5) Loans used to support improvement projects in the city are subject to resolution of the city council setting terms and conditions of said loan. All repayments shall be returned to this fund including interest charges.

(Prior Code, § 3.30, Subd. 10) (Ord. 10-007, 3rd series, passed 5-03-2010, Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)

§ 53.11 SEWER USAGE CHARGES DETERMINED BY METER

In an effort to provide a more equitable approach, and at the option of a non-residential, multiple ERU (2 or more) sewer user, a property owner may elect to meter water flows to determine sewer usage. All fees or charges shall be set from time to time by resolution of the council.

(A) Charges. The meter user charge system shall include two components.

(1) A minimum charge, a fixed amount each billing cycle for billing, minimum flow and meter maintenance. This charge will vary depending on meter type and size.

(2) A variable charge based on usage per 1000 gallons used in excess of 12,000 gallons per quarter.

(B) Non-residential. The City Council shall determine whether an establishment constitutes as a non-residential use and thus qualifies for meter

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usage rates subject to the following factors:

- (1) The subject property must have 2 ERU's to qualify.
- (2) Whether it has a single real estate code?
- (3) Whether the property is rented?
- (4) Other factors relating to characteristics of residential properties.
- (5) Time share units are considered residential properties.

(6) A campground may qualify to use a meter provided it is served by an established water and sewer collection system that serves the campground as a whole.

(7) If a business property has a housing unit included as part of the property and is connected to the primary business, the property can be metered. If the residential property has a separate real estate code and a separate well then the residence is not allowed to be on a meter.

(C) Meter Installation. A non-residential, multiple ERU property owner shall:

(1) Have their contractor and/or plumber consult with the utility department of the city for the location and all necessary associated plumbing to have the meter operate properly. The meter must be housed in a location that will promote the proper operation of the meter. All wells serving a facility must be metered.

(2) Acquire a permit for meter installation and pay for the water meter.

(3) Give notice of meter installation providing for inspection of meter and associated plumbing.

(D) Meter Reading. At the option of the city, property owners with meters may be required to record the meter readings and forward them to the city. If this option is exercised a notice will be sent to property owners requesting this action. This option, if used, does not preclude the city from verification of the meter reading.

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(E) Ceased Operations. Non-residential owners of structures that are not actively used for periods of at least 1 year, may request of the city that their service charge be decreased. The city shall consider the variables such as whether the business is normally seasonal, whether the business is listed with a real estate agent, whether power and other utilities are still on or other factors. The city will not decrease the service charge if the business is normally seasonal, unless presented with evidence that shows it will be a long-term shut down of at least one year. If the city determines the business is shut down, out of business, or for sale, the user charge will be reduced to zero ERU's if the power has been shut off and the well does not operate. If the well is still operational the city will charge at a rate of one ERU until such time that the business is back in operation. At that time the user charge will be based on the new use.
(Ord. 11-10, 3rd Series, passed 7-05-2011, effective 1-01-2012)