

**MOOSE LAKE AND WINDEMERE AREA SANITARY SEWER DISTRICT  
ORDINANCE NO. 2**

**AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE  
SANITARY DISTRICT**

The Board of Managers (the “Board”) of the Moose Lake and Windemere Area Sanitary Sewer District (the “District”) ordains as follows:

Section 1. Findings.

1.01 There are continuing and persistent issues of water quality in the District which need to be addressed through the provision of adequate public systems for the collection and treatment of wastewater.

1.02 The District was created for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, and treating domestic sewage and waste within the District and there is need throughout the territory of the District for the accomplishment of these purposes.

Section 2. Recitals.

2.01 The Board has adopted its Ordinance No. 1 creating a sewer utility (the “Utility”); regulating the use of public and private sewers; establishing methods for a sewer service charge system; and providing penalties for violations of the regulations therein defined.

2.02 The Board intends in this ordinance to set forth the actual rates and charges for the use and availability of the Utility, among other services.

2.03 Capitalized terms not otherwise defined in this ordinance have the meanings given in Ordinance No. 1 of the District.

Section 3. Assignment of Equivalent Residential Units (ERUs).

3.01 The Superintendent shall annually, as of each January 1, determine Assigned ERUs for each Non-residential User. Assigned ERUs shall be updated annually for each Non-residential User.

3.02 A Residential User shall be assigned not less than one ERU.

3.03 Determinations of ERUs for uses by new Non-residential Users shall be assigned using the ERU Manual under Section 4 of the Policies and Procedures Manual. If the use by a new Non-residential User is not included in the ERU Manual, the Superintendent shall determine the Assigned ERUs.

Section 4. Monthly Charges.

4.01 *Base Charge.* The District's Sewer Service Charge will be composed of a Base Charge consisting of a flat fee per month per ERU payable by each User. Beginning January 1, 2014, the Base Charge shall be \$60.

4.02 Base charges are payable year-around, for all customers.

Section 5. Sewer Access Charge or Connection Fee. The Connection Fee addresses the capital cost of that portion of the capacity of the Wastewater Treatment Facilities necessary to accommodate the anticipated Flow and Load from a new User.

5.01 *User Classification.* User class assignments for new Users will be determined by the Superintendent in accordance with the definitions provided in Ordinance No. 1. Connection Fees for each class of User are as follows and will include a 3% annual escalator, rounded up to the next whole dollar, beginning in calendar year 2016:

Customer Class	Connection Fee[1][2]
Residential Per Dwelling Unit	\$4,956
Non-residential per ERU Unit	\$4,956

[1] - Plus the actual installed cost of the grinder pump station, service lateral, and related costs. Estimated fees are payable prior to installing the grinder pump station and service lateral with adjustments made on the first payment of Sewer Service Charges.

[2] - The ERU(s) assigned to a Non-residential User shall be determined by the Board based on the ERU Manual under Section 4 of the Policies and Procedures Manual.

Section 6. Other Fees.

6.01 Permit Fee. The permit fee is a fee payable upon application for connection to the Wastewater Treatment Facilities. Such fee is \$150.00.

6.02 Permit for Repairs. Where a User needs to make repairs to the Sewer, including where a temporary disconnection and reconnection for repairs is necessary, the User shall pay a fee of \$25.

6.03 Dishonored Check Fee. A dishonored check fee of the greater of \$25 or 5% of the face amount of the check (not to exceed \$200), or the actual cost of collection incurred by the District, will be due for any dishonored check.

6.04 Accident Damage to District Property. Accidental damage to District property will be reimbursed At Cost by the User.

6.05 Unauthorized Connection or Use. Unauthorized use or connection to the Public Sewer will be fined and penalized as provided in Ordinance No. 1 or pursuant to State or federal law.

6.06 I & I Fees.

A. *I/I Inspection Fee.* The I/I Inspection Fee is a fee payable upon completion of an I/I inspection which may be required of each property owner contributing to the Wastewater Treatment Facilities. Such fee is \$100.00 per Service Connection.

B. *I/I Surcharge Fee.* The I/I Surcharge Fee is a fee payable to the District from property owners who refuse to allow for an I/I Inspection. Such fee is \$50 per month until an I/I inspection is completed.

6.07 Late Payment Fee. Any payment required by this ordinance or Ordinance No. 1 which is made more than 30 days after the date due may, at the discretion of the Board, be subject to a late payment fee of not to exceed 6.00% per annum, or 1/2 of 1% per month.

6.08 Variance Application Fee. Any User who applies for a variance under Article XIII of Ordinance No. 1 will be required to pay a Variance Application Fee of \$300. The Board will not consider the variance request until such fee has been paid.

6.09 Ordinance Violation. Any Person who continues a violation of any of the District's ordinances beyond the time limit provided for in Ordinance No. 1 will be fined pursuant to Ordinance No. 1 in an amount not exceeding \$1,000.00, or such greater amount as may be permitted by State or federal law.

Adopted by the Board of Managers of the District, on December 16, 2009 and amended on August 25, 2010 and amended on September 14, 2011, and amended on January 16, 2013, and amended on September 11, 2013. Document further amended on September 10, 2014.

Byron Kuster, Chairman

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Chair

ATTEST:  
Darla Hall, Executive Director

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Secretary