

ORDINANCE NO. 510-E

**AN ORDINANCE REPEALING
AND REPLACING ORDINANCE NO. 510-D**

EMPIRE TOWNSHIP PUBLIC UTILITY ORDINANCE

The Board of Supervisors of Empire Township ordains as follows:

SECTION 1. PURPOSE AND GENERAL FEE STRUCTURE

Empire Township provides a variety of public services to residents, businesses, and property owners in the community, including public utilities. Municipal water, wastewater services, stormwater management, and street lighting are basic public utilities and among the services provided by the Township. The purpose of this Ordinance is to conserve water resources, protect water quality, to establish equitable fees for the provision of public utilities to properties, and to protect the public health, safety, and welfare. The Town Board periodically reviews the costs for the provision of these services and adjusts the fees for services accordingly. Fee adjustments, that are not established in this Ordinance, will not occur without such review and analysis by the Town Board and will require amendments to this Ordinance.

The fee structure for each utility is identified separately and includes provisions for the reimbursement of core facility expenditures and operating expenditures. The fee structure includes existing expenditures (including debt service) and planned expenditures (including anticipated debt service) within the public utility systems. Core facility expenditures include but are not limited to such items as water wells and related equipment, trunk water distribution lines, water treatment facilities, water storage facilities, sanitary sewer lift stations, trunk sanitary sewer lines, stormwater management facilities. Operating expenditures include but are not limited to labor and capital expenditures associated with the delivery, monitoring, maintenance, repair, replacement, upgrade, and administration of the public utility system.

The fee structure for core facilities is based upon a Residential Equivalent Unit (REU), and the fees collected are referred to as connection charges. Connection charges are collected at the time of building permit issuance; although, the Town Board may require prepayment certain core facilities at the time of subdivision or development approval. The core facilities REU is established for all land uses as follows:

Single family detached dwelling	1.0 REU per unit
Single family attached dwelling (< 11 units/building)	1.0 REU per unit
Multiple family dwelling (> 10 units/building)	0.8 REU per unit
Commercial/Industrial/Public/Institutional/Other	1.0 REU for each Metropolitan Council Service Availability Charge (SAC) unit assigned to the use

The fee structure for operating expenditures is based upon utility usage and is collected through quarterly billings to utility users.

SECTION 2. WATER SUPPLY, DISTRIBUTION AND CONSERVATION

A. Water Core Facility Expenditures – Connection Charges

The water connection charge is \$3050.00 per REU. The water connection charge shall be collected with new construction building permits and is in lieu of any property assessments.

B. Water Operating Expenditures – User Fees

Water user fees include a quarterly minimum charge or base rate of \$36.00 per REU, which includes the first 6000 gallons of metered water usage. Quarterly fees for water usage include the base rate plus the following additional rates:

1. 7000-12,000 gallons are an additional \$1.80/1000 gallons over 6000 gallons,
2. 13,000-24,000 gallons are an additional \$2.25/1000 gallons over 12,000 gallons,
3. Over 24,000 gallons are an additional \$2.80/1000 gallons over 24,000 gallons.

C. Water Conservation

1. Annual Watering Restrictions

- a) An odd-even outdoor water usage restriction based on street addresses is in effect from April 15th to November 1st each year. Residents with odd numbered addresses shall only water outdoor plants and lawns or irrigate properties on odd numbered calendar days, and residents with even numbered addresses shall only water outdoor plants and lawns or irrigate properties on even numbered days.
- b) Township water cannot be used for the purposes of irrigating properties or watering outdoor plants and lawns between ten o'clock (10:00) a.m. and six o'clock (6:00) p.m. daily.

2. Exceptions to Watering Restrictions

- a) Lawns, trees, shrubs, and other outside plants may be watered by handheld devices, such as sprinkling cans, sprayers, hoses (when hand-held), on any day at any time.
- b) Watering of new lawns with sod or seed may be allowed within thirty (30) days of the new installation.
- c) Watering from a source other than the Township's water supply may be allowed if the water user has registered the alternative source with Dakota County and the alternative source is properly permitted by the state of Minnesota and approved by the Township. Under this example, the Township may inspect the property to ensure compliance.
- d) Children's wading pools and water toys may be used at anytime.

3. Water Emergency

In periods of extreme drought or in the event of damage to or repair of water production and storage facilities, the Town Board or its designee may impose emergency regulations pertaining to Township water use.

- a) During an emergency, restrictions for the use of Township water may include, but are not limited to, the total prohibition of watering, sprinkling, or irrigation of lawn, grass, turf or plantings.

- b) Restrictions imposed during an emergency shall continue in effect until the end of the emergency and/or until removed by the Town Board or its designee.
 - c) Notification of restrictions to Township water use may be given by publication or by posting in the Town Hall and at such public places or other methods as the Town Board may direct.
4. Water Conservation Violations and Fees
- a) Any person who shall violate any of the provisions of Section 2.C. of this Ordinance shall be punishable by a fine of Twenty-Five Dollars (\$25.00).
 - b) Any person found guilty of violating any provision of Section 2.C. of this Ordinance who shall previously have been convicted of a violation of the same ordinance within one (1) year shall be punishable by a fine of Fifty Dollars (\$50.00).
 - c) Each violation and each day a violation continues or occurs shall constitute a separate offense of Section 2.C. of this Ordinance. Nothing in this Ordinance shall preclude the Township from pursuing any appropriate action to prevent or remove a violation of any provision of Section 2.C. of this Ordinance. In addition, the Township may discontinue water services.

D. Water Meters

1. Water Meters Required. An individual water meter is required for each single family detached and attached residential unit. Water meter sizes for commercial and industrial uses with multiple REUs and water meter sizes for multiple family dwellings shall be determined on a case by case basis by the Board of Supervisors. It shall be unlawful to access and use Township water without such water usage passing through a meter, except for emergency fire usage, public system maintenance, and other uses authorized by the Town Board. The fee for residential water meters is \$235.00 per REU and shall be collected with new construction building permits. The fee for over-sized residential, commercial, and industrial water meters shall be determined on a case-by-case basis by the size required and shall reflect the Township's actual cost of the meters.
2. Water Meter Damage or Tampering. If any meters are damaged either by carelessness or neglect of the owner or occupant of the premises or other agents, the owner or occupants must pay for the repairs of such damage or pay for meter replacement, including installation. It shall be unlawful to tamper with any water meter for the purpose of altering the meter reading or accounting of actual water usage. It shall be unlawful to remove the seal from a sealed water meter, except by an employee of the Township, or by a licensed plumber during an emergency. Seals broken by a licensed plumber during an emergency or seals broken by accident require immediate notification to the Township. Removing a seal illegally or tampering with a water meter will result in a \$500.00 fine. The Township may also pursue civil remedies to collect revenues lost as a result of tampering. Replacement of a water meter shall be at the property owner's expense.
3. Water Meter Ownership and Maintenance. The Township shall exclusively own and control the water meters to be used in the water system. The cost of ordinary maintenance and repair of all meters owned by the city shall be borne by the Township water utility. The Township shall have access to all properties with reasonable notice for inspection and maintenance of water meters.

E. Watermain Freeze-up

1. The Township shall be responsible for maintaining water mains, including during severe weather conditions and freeze-up. In the event freezing conditions cause individual service lines to freeze-up, property owners must contact the Township for service assistance. The use of welding equipment to thaw private service lines is prohibited. Property owners shall pay a flat fee of \$250.00 to the Township at the time of service and shall sign a damage waiver. The Township may charge double the flat fee for repeat service calls at the same address if measures recommended by the Township to prevent future freeze-ups were not implemented.

SECTION 3. SANITARY SEWER COLLECTION AND WASTEWATER TREATMENT

A. Sanitary Sewer Core Facility Expenditures – Connection Charges

The sanitary sewer connection charge is \$1200.00 per REU. The sewer connection charge shall be collected with new construction building permits and is in lieu of any property assessments.

B. Sanitary Sewer Operating Expenditures – User Fees

Sanitary sewer user fees include a quarterly minimum charge or base rate of \$36.00 per REU plus a sewer usage rate of \$1.05 per 1000 gallons after the first 6000 gallons, based upon the average metered water consumption rate for the previous months of October, November, December, January, February, and March. Users without a service account which includes prior winter months for averaging shall pay sanitary sewer user fees based upon actual water consumption. The Town Board may consider adjustments to unusually high sanitary sewer user fees, in such new account instances, or for sewer customers that do not have water accounts, on a case-by-case basis.

E. Metropolitan Council Service Availability Charge (SAC)

Empire Township collects a Metropolitan Council Service Availability Charge (SAC) for wastewater treatment service at the time of building permit issuance. The amount of the fee is determined by the Metropolitan Council.

SECTION 4. PUBLIC STORMWATER MANAGEMENT

A. Stormwater Core Facility Expenditures – Core Facility Charges

The stormwater core facility charge is \$300.00 per REU. The stormwater connection charge shall be collected with new construction building permits and is in lieu of any property assessments.

B. Stormwater Operating Expenditures – User Fees

A stormwater management fee for cleaning ponds, ditches, and culverts and other ongoing operational expenses is levied at \$1.00 per REU per month.

SECTION 5. PUBLIC STREET LIGHTING. The fee for operating street lighting shall be \$2.00 per REU per month.

SECTION 6. REPEALER. This Ordinance repeals and replaces Ordinance No. 510-D.

SECTION 7. VIOLATIONS. Notwithstanding the fees and penalties described in Section 2.C. and 2.D., all violations of this Ordinance shall be considered a misdemeanor and shall be punishable to the maximum extent of the law. Unpaid utility fees and fines shall be placed on property taxes for collection according to provisions of Minnesota Statutes 316.012.

SECTION 8. EFFECTIVE DATE. Ordinance No. 510-E was adopted this 25th day of June, 2014, and shall become effective after its publication according to law.

ATTEST:

Terry L. Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

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