

## **ORDINANCE NO. 150**

### **AN ORDINANCE ESTABLISHING AN INDUSTRIAL USER STRENGTH CHARGE IN ADDITION TO THE CHARGE BASED UPON THE VOLUME OF DISCHARGE BY AN INDUSTRIAL USER AND ESTABLISHING AN INDUSTRIAL USER STRENGTH CHARGE FORMULA FOR THE COMPUTATION THEREOF TO RECOVER OPERATION AND MAINTENANCE COSTS OF WASTE TREATMENT SERVICES ATTRIBUTABLE TO THE STRENGTH OF THE DISCHARGE OF INDUSTRIAL WASTE INTO THE SEWER SYSTEM AND ESTABLISHING TAX LIEN AGAINST PROPERTY SERVED IN CONNECTION WITH SUCH STRENGTH CHARGE.**

The Town Board of the Township of Empire, County of Dakota, State of Minnesota, ordains as follows:

#### **Section 1. RECITALS**

The Metropolitan Waste Control Commission, a metropolitan commission organized and existing under the laws of the State of Minnesota (the "Commission"), in order to receive and retain grants in compliance with the Federal Water Pollution Control Acts Amendments of 1972 and regulations there under (the "Act"), has determined to impose an industrial user sewer strength charge upon users of the Metropolitan Disposal System (as defined in Minnesota Statutes, Section 473.121, subdivision 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the Township to pay such costs based upon strength of industrial discharge and allocated to it each year by the Commission, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the Township. Furthermore, Minnesota Statutes, Section 444.075, Subdivision 3, empowers the Township to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

#### **Section 2. ESTABLISHMENT OF STRENGTH CHARGES**

For the purpose of paying the costs allocated to the Township each year by the commission that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the Township, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person, company or corporation receiving waste treatment services within or served by the Township, based upon strength of industrial waste discharged into the sewer system of the Township (the "Strength Charge").

#### **Section 3. ESTABLISHMENT OF STRENGTH CHARGE FORMULA**

For the purpose of computation of the Strength Charge established by Section 2 hereof, there is hereby established, approved and adopted in compliance with the Act the same strength charge formula designated in resolution No. 76-172 adopted by the governing body of the Commission on June 15, 1976, such formula being based upon pollution qualities and difficulty

of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the Commission.

**Section 4. STRENGTH CHARGE PAYMENT**

It is hereby approved, adopted and established that the Strength Charge established by Section 2 hereof shall be paid by each industrial user receiving waste treatment services and subject thereto before the twentieth (20<sup>th</sup>) day next succeeding the date of billing thereof to such user by or on behalf of the Township, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date an industrial user shall pay interest compounded monthly at the rate of two-thirds of one percent (2/3%) per month on the unpaid balance due.

**Section 5. ESTABLISHMENT OF TAX LIEN**

As provided by Minnesota Statutes, Section 444.075, Subdivision 3, it is hereby approved, adopted and established that if payment of the Strength Charge established by Section 2 hereof is not paid before the sixtieth (60<sup>th</sup>) day next succeeding the date of billing thereof to the industrial user by or on behalf of the township, said delinquent sewer strength charge, plus accrued interest established pursuant to Section 4 hereof, shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the Township or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the Township or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

**Section 6. SEVERABILITY**

In the event any provision of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 7. EFFECTIVENESS**

This ordinance shall take effect upon its passage and publication according to law.

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Chairman

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Clerk