

**ARTHUR TOWNSHIP  
KANABEC, COUNTY, MINNESOTA**

KANABEC COUNTY RECORDER  
Filed 6-3-03 at 10:00A M  
Rhonda A. Olson County Recorder  
By H. Helmbrecht Deputy

**ORDINANCE # 2002 - Wastewater**

**WASTEWATER ORDINANCE  
FOR ARTHUR TOWNSHIP SUBORDINATE  
SERVICE DISTRICT**

**Adopted by Arthur Township  
October 9<sup>th</sup>, 2002**

**Revision Dates:**

**ARTHUR TOWNSHIP**  
**KANABEC COUNTY, MINNESOTA**  
**ORDINANCE NO. 2002 - Wastewater**

**199816**

**RECITALS**

**Whereas**, the City of Mora filed an annexation petition (City of Mora Resolution No. 99-1002), dated October 11, 1999, with the Minnesota Planning Municipal boundary Adjustments Office (File No. A-6170 Mora/Arthur Township) seeking annexation of certain areas located within Arthur Township pursuant to Minnesota Statutes, Section 414.031; and

**Whereas**, Arthur Township and the City of Mora agree that orderly annexation and extension of municipal sanitary sewer service is in the best interests of both communities in order to meet the current need of commercial and residential properties located in the area legally described in the Joint resolution for municipal sanitary sewer service as a result of non-compliant wastewater treatment systems; and

**Whereas**, Arthur Township and the City of Mora desire to accomplish the orderly annexation and extension of municipal sanitary sewer service to the area legally described in a mutually acceptable manner in order to protect the public health, safety, and welfare of this community of landowners;

**Be it Therefore Resolved**, that Arthur Township Board of Supervisors will implement the following Ordinance to provide regulations for individual wastewater treatment systems in said designated area for the interim period and for the implementation of the municipal sanitary sewer service once the City of Mora has constructed said service and it becomes operable.

## ARTHUR TOWNSHIP

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

THE TOWN BOARD FOR THE TOWN OF ARTHUR, KANABEC COUNTY, MINNESOTA,  
DOES HEREBY ORDAIN:

ORDINANCE GOVERNING THE ARTHUR TOWNSHIP "ENVIRONMENTAL"  
SUBORDINATE SERVICE DISTRICT

SECTION ONE

## AUTHORITY

The Arthur Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapter 365A, 444, and 429, along with the MPCA Chapter 7080 rules regarding Individual Sewage Treatment Systems, enacts the following rules and regulations to govern the Arthur Township Environmental Subordinate Service District for the health, safety and welfare of the users and members of Arthur Township.

SECTION TWO

## INTRODUCTION

The Arthur Township Environmental Subordinate Service District (DISTRICT) was established under Minnesota Statutes, Chapters 365A and 444. On, September 30<sup>th</sup>, 1998, the DISTRICT began operation for the residents in that part of Section 23, Township 39 North, Range 24 West and is described herein below and attached as a map identified as Exhibit No. 1:

Description of Designated Area:

The north half of the Northwest Quarter of Section 23, Township 39 North, Range 24 West Arthur Township, Kanabec County, Minnesota, except Lots 1, 2 and 3, Block 2, and Outlot A, LITTLE RANCHES 1<sup>st</sup> ADDITION, according to the recorded plat thereof, Kanabec County, Minnesota;  
and

The north half of the Southeast Quarter of the Northwest Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota. except the west 320 feet thereof lying south of the north 195 feet of said north half of the Southeast Quarter of the Northwest Quarter;  
and

The south half of the Southeast Quarter of the Northwest Quarter of Section 23, Township 39, North, Range 24 West, Arthur Township, Kanabec County, Minnesota, lying east of the west 400 feet thereof, and the east 150 feet of the south 150 feet of said south half of the Southeast Quarter of the Northwest Quarter lying north of Trunk Highway No.23 right-of-way, and that part of Trunk Highway No.23 right-of-way as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLAT NO.33-2, according to the recorded plat thereof, lying within the west 400 feet of said south half of the Southeast Quarter of the Northwest Quarter;  
and

The Northeast Quarter of the Southwest Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, lying east of the west 660 feet thereof; the Northwest Quarter of the Northeast Quarter of Section 23, Township 39 North, Range 24 West. Arthur Township, Kanabec County, Minnesota;  
and

The Southwest Quarter of the Northeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, except the south 600 feet of the north 725 feet of the east 320 feet thereof;

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

and

The north 125 feet of the Southeast Quarter of the Northeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, except the east 297 feet thereof;

and

The Southeast Quarter of the Northeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, except the north 427 feet lying east of the center line of the River, and except the north 725 feet lying west of the center line of the River;

and

The Northeast Quarter of the Southeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota;

and

The Northwest Quarter of the Southeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, except the south 637.5 feet thereof lying East of the west 700 feet thereof;

and

The Southwest Quarter of the Southeast Quarter of Section 23, Township 39 North, Range 24 West, Arthur Township, Kanabec County, Minnesota, described as follows:

Beginning at the northwest corner of said Southwest Quarter of the Southeast Quarter; thence east (along the north line of said Southwest Quarter of the Southeast Quarter to the east right-of-way line of Trunk Highway No. 65; thence continuing east along said north line 674 feet; thence southeasterly at a 15 degree angle a distance of 209 feet; thence west to the east line of the west 700 feet of said Southwest Quarter of the Southeast Quarter; thence southerly along said east line to the south line of the north 300 feet of said Southwest Quarter of the Southeast Quarter; thence westerly along said south line to the east line of the west 250 feet of said Southwest Quarter of the Southeast Quarter lying east of said Trunk Highway No. 65 right-of-way; thence southerly along said east line to the south line of the north 380 feet of said Southwest Quarter of the Southeast Quarter; thence westerly along said south line to said east right-of-way line of Trunk Highway No. 65; thence northerly along said east right-of-way line to the aforesaid south line of the north 300 feet of the Southwest Quarter of the Southeast Quarter; thence westerly along said south line to the west line of said Southwest Quarter of the Southeast Quarter; thence northerly along said west line to the point of beginning.

The DISTRICT is under the control and management of the Arthur Township Board of Supervisors (BOARD).

## SECTION THREE

## DEFINITIONS

The following words and phrases when used in the definitions in this Section and when otherwise used in this document shall have the meanings ascribed to them in this Section, unless the context otherwise clearly indicates.

1. ADDITIVES – Means products added to the wastewater or to the system with the intent to improve the performance of an individual sewage treatment system.
2. AGENCY – Means the Minnesota Pollution Control Agency.
3. BOARD - The Arthur Township Board of Supervisors and its designated authorized representatives.
4. CITY – Means the City of Mora and its authorized representatives.
5. CITY MUNICIPAL SYSTEM – Means those units that form the municipal sanitary sewer facility treatment units and appurtenances thereto, owned and operated by the City of Mora including, but not limited to, all sewer lines, lift stations and other appurtenance structures of the sewer system, and a treatment facility which consists of the land, devices, facilities, structures, equipment, and processes owned or used by the City of Mora for the purpose of storage, treatment, recycling, and reclamation of

## ARTHUR TOWNSHIP

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

municipal wastewater, and the disposal of residues resulting from such treatment, together with any improvements or additions to the City system to be constructed hereafter.

6. **CONTRACTOR** - Independent person(s), entity (entities), party (parties) contracted, by the BOARD, to manage, operate or maintain the DISTRICT.
7. **DISTRICT** - The Arthur Township Environmental Subordinate Service District.
8. **HOLDING TANK** - "Holding tank" means a tank for storage of sewage until it can be transported to a point of treatment and disposal.
9. **INTERCONNECTION POINT** - Means a single point wherein the CITY MUNICIPAL SYSTEM will connect within the designated area to the City of Mora's present municipal system.
10. **INDUSTRIAL USER** - Means a party who discharges to the CITY MUNICIPAL SYSTEM, liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments.
11. **INDUSTRIAL WASTE** - Means the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business or from the development, recovery or processing of natural resources.
12. **ISTS** - "Individual Sewage Treatment System" means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies.
13. **MPCA 7080 STANDARDS** - The minimum standards promulgated by the Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, Arthur Township Sewage and Wastewater Treatment Ordinance No. 4, and the Arthur Township Zoning Ordinance inclusive of this ORDINANCE, as amended from time to time.
14. **OPERATIONS & MAINTENANCE COSTS** - Means the cost of the operation, maintenance and administration of the CITY MUNICIPAL SYSTEM.
15. **SAC CHARGE** - Sewer Availability Charge. A hook-up connection charge applied to those property owners located within the designated area (equal to the SAC charge in effect city-wide) to the CITY MUNICIPAL SYSTEM. Said fees subject to change by resolution from the City of Mora.
16. **SANITARY SEWER** - A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
17. **SEPTAGE** - Means solids and liquids removed during periodic maintenance of an individual sewage treatment system, or solids and liquids that are removed from toilet waste treatment devices.
18. **SEPTIC TANK** - Means any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the effluent to discharge to a treatment system.
19. **SEWER** - Means a system that carries wastewater.
20. **TOWNSHIP** - Township of Arthur and its authorized representatives.
21. **USER** - Means a resident, inhabitant, owner of land or dwelling that is causing or permitting the discharge of wastewater either to an ISTS system or to the CITY MUNICIPAL SYSTEM.
22. **USER CHARGE** - Means a charge levied on USERS of the CITY MUNICIPAL SYSTEM for capital, operation and maintenance costs.

## SECTION FOUR

## GENERAL PROVISIONS AND CONDITIONS

1. The DISTRICT is created as a management tool to operate and administrate on-site wastewater treatment systems and a proposed City of Mora wastewater municipal system on behalf and for the residents encompassed by this DISTRICT pursuant to Minnesota Statutes §§ 365A, 444, and 429, authorizing the powers herein.
2. The BOARD is responsible for the management of the DISTRICT, and the operations and maintenance of the on-site wastewater treatment systems (ISTS systems) and the CITY MUNICIPAL

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

SYSTEM in the DISTRICT pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7080, the Arthur Township Sewage and Wastewater Treatment Ordinance No. 4 (which is attached as Exhibit No. 2), Arthur Township Zoning Ordinance, and this ORDINANCE, as amended.

3. ISTS SYSTEMS presently situated on landowner properties will be allowed to be repaired, and maintained, according to the Arthur Township Sewage And Wastewater Ordinance No. 4, MPCA Chapter 7080 regulations, and this Ordinance, as amended.
4. New construction will be required to use a storage type facility or similar use that does not require or need any type of wastewater treatment, if the proposed use is allowed under Arthur Township zoning.
5. The BOARD, its agents or CONTRACTOR (S) have the right to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, repair, and replacement required on the CITY MUNICIPAL SYSTEM, or any part thereof.
6. No person shall engage in an act intentionally or carelessly which results in breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, appurtenances or equipment that is part of the CITY MUNICIPAL SYSTEM.

CITY MUNICIPAL SYSTEM

1. The CITY MUNICIPAL SYSTEM shall include all equipment, pumps, sewer lines, and appurtenances, presently existing or hereinafter constructed, as are found necessary for completion of such MUNICIPAL SYSTEM in operating condition adequate to collect and transmit all wastewater effluent into the system, and for the proper treatment and disposal of such wastewater.
2. Pursuant and contingent on the terms and conditions established by the Joint Resolution for Orderly Annexation by and Between Arthur Township and the City of Mora, Planning File A-6170, property located in the designated area for which the City has determined that connection is appropriate, will be required to connect to the CITY MUNICIPAL SYSTEM within two years of substantial completion of the project.
3. City of Mora's Wastewater Ordinance, as amended, will be enforced for those properties connected to the CITY MUNICIPAL SYSTEM. Said Ordinance is attached as Exhibit No.3, Sanitary Sewer Agreement By And Between The City Of Mora And Arthur Township, and is adopted and attached herein as part of this ORDINANCE.
4. City of Mora shall have exclusive control over the design, construction, installation, operation and maintenance of the CITY MUNICIPAL SYSTEM while this Joint Resolution is in effect.

## SECTION FIVE

## RATES, CHARGES AND CONNECTION TO THE DISTRICT SYSTEMS

1. The BOARD may set such rates, fees and charges, as it deems appropriate for the DISTRICT. No such resolution setting such fees shall be adopted before a public hearing has been held thereon. Notice of such public hearing containing the effective date thereof shall be kept on file and open to inspection in the office of the Arthur Township Clerk and shall be uniformly enforced.
2. All funds collected from such rates, fees and charges will remain with the DISTRICT'S funds and will be used to reduce any costs allocated to the usage, repair and replacement of the DISTRICT'S portion of the CITY'S MUNICIPAL SYSTEM.
3. All present and future property owners within the DISTRICT will be subject to the applicable rules and regulations inclusive of the DISTRICT'S ORDINANCE, as amended, the MPCA Chapter 7080 rules, as amended, Arthur Township's regulations for individual sewage treatment systems, and the Arthur Township Zoning Ordinance, as well as those that will be in the CITY'S MUNICIPAL SYSTEM, as amended.

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

4. The BOARD may, under Minnesota Statute 366.012, certify each year to the Kanabec County Auditor, any unpaid service charges, costs, and fees, which shall then be collected together with property taxes levied against the property. The BOARD must serve written notice to the USER of its intention to certify the charge to the County Auditor and provide an opportunity for USER to be heard regarding the unpaid service charge, cost, or fee. Any unpaid charges will be subject to the same penalties, interest, and other conditions provided for in the collection of regular property taxes.

**SECTION SIX****DAMAGE TO DISTRICT AND CITY MUNICIPAL SYSTEM PROHIBITED**

1. It shall be unlawful for any USER to discharge upon, in or under the ground or to any natural outlet within the DISTRICT any wastewater other than to an ISTS system or the CITY MUNICIPAL SYSTEM.
2. It shall be unlawful for any USER to discharge or cause to be discharged any unpolluted waters such as storm-water, groundwater, roof runoff, subsurface drainage, drain tile lines, swimming pools, into an ISTS system or the CITY'S MUNICIPAL SYSTEM by means of a sump pump, or otherwise. Pursuant to Chapter 7080, Minnesota Pollution Control Agency's rules under 7080.0065, subp.3. it states that footing or roof drainage and chemically treated hot tubs and pool water shall not enter any part of system. Products containing hazardous waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning, including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals, must not be discharged to the system.
3. It shall be unlawful for any USER to discharge liquids or solids into the wastewater of the CITY MUNICIPAL SYSTEM or ISTS system that has concentrations or quantities that will harm the collective and treatment portions of either treatment systems, endanger lives, or constitute a public health risk or nuisance, or to create any hazard into the receiving waters of the system. Examples of such materials that are harmful include, but are not limited to the following:
  - (a) Any gasoline, antifreeze, fuel oil, latex paint, oil and/or chemical solvents, other hazardous oils, or other flammable or explosive liquids, solids or gas.
  - (b) Any waters containing toxic or poisonous solids or liquids, which alone or by interaction with other wastes could release noxious gases, form suspended solids, which interfere with the DISTRICT'S SEWER SYSTEM, or create a condition deleterious to structures and treatment processes.
  - (c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow or proper operation of the wastewater collection system such as, but not limited to, ashes, asphalt, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, and other similar items, tar, plastics, disposable diapers, wood, un-ground garbage, whole blood, paper dishes, napkins, cups, milk containers, sanitary napkins and tampons and other similar items as well as the containers for such items.
  - (d). Within the DISTRICT, USERS are strongly encouraged to use non-phosphorus products.
  - (e). USERS, when replacing their present water appliances, will be required to use low-flow toilets[ i.e.1.6 gal / flush minimum ], low-flow shower-heads, and any such appliances to promote and sustain water conservation practices to protect the integrity and long-term effectiveness of an ISTS or the CITY MUNICIPAL SYSTEM.
  - (f). Pursuant to Chapter 7080, Minnesota Pollution Control Agency rules, under 7080.0175, subp.5, Additives, it states the following: "Individual sewage treatment system additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the septic tank as specified in this part. Individual sewage treatment system additives that contain hazardous substances must not be used in individual sewage treatment systems".

## ARTHUR TOWNSHIP

## KANABEC COUNTY, MINNESOTA

## ORDINANCE NO. 2002 - Wastewater

**SECTION SEVEN**

## VIOLATION IS A MISDEMEANOR

1. Any person who willfully or negligently violates any provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules (which are herein incorporated by reference as if fully set forth), the Arthur Township Sanitary Ordinance and Arthur Township Ordinances, and/or the provisions of the ORDINANCE contained herein as any of the above are amended from time to time will be subject to notification of violation.
2. Any USER or person who violates a Section, Subdivision, paragraph, or provision of this Ordinance or rules and regulations incorporated therein, when he or she performs an act which is hereby prohibited, or declared unlawful or fails to do an act required, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction as a misdemeanor, shall be subject to a fine not to exceed \$ 1,000.00 and imprisonment not to exceed 90 days. Each day of non-compliance with any of the terms of this Ordinance shall be considered a separate violation and a separate criminal act.
3. The BOARD reserves the right to prosecute in criminal court for recovery and/or restitution of damages done by a USER or other parties to the CITY MUNICIPAL SYSTEM. The BOARD and Township reserve the right to pursue criminal restitution and to pursue any and all available civil remedies, including injunctive relief to collect monies owed, correct non-compliance with this ordinance or abate or correct any nuisance or public health and safety threat.

**SECTION EIGHT**

## AMENDMENTS OR CHANGES

1. The BOARD may from time to time amend this ORDINANCE.
2. Thirty ( 30 ) calendar days written notice shall be provided to all property owners located in the DISTRICT before any amendments or changes to this ORDINANCE are adopted by the BOARD. Said notice shall include the date, time and place of said hearing. Any Township member or USER may be heard at the hearing or through written comment addressed to the Arthur Township Board Clerk.

**SECTION NINE**

## VALIDITY AND SEVERABILITY

The invalidity of any Section, clause, sentence or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE, which can be given effect without such invalid part or parts.

**SECTION TEN**

## EFFECTIVE DATE

This ORDINANCE, its rules and regulations for the Arthur Township Environmental Subordinate Service District shall take effect and be in full force immediately following its adoption and publication by the Arthur Town Board of Supervisors.



ARTHUR TOWNSHIP  
KANABEC COUNTY  
STATE OF MINNESOTA

NOTICE OF PUBLIC HEARING

DATE: September 30, 2002

TIME: 7:30 P.M.

PLACE: Arthur Town Hall, 1899 Frontage Road, Mora, MN

PURPOSE: Ordinance governing individual sanitary systems and the  
proposed City of Mora Municipal sanitary system

A public hearing will be held by the Arthur Township Board of Supervisors for the purpose of taking comment on the "Draft" Waste Water Ordinance for the Arthur Township Environmental Subordinate Service District. Written comment can be sent to the Arthur Township Clerk up to the date of the hearing.

Due to the lengthy content of the Ordinance, a brief synopsis follows:

Recitals

<u>Section One</u>	Authority: Authority and purpose of the Ordinance
<u>Section Two</u>	Introduction: Background and legal description
<u>Section Three</u>	Definitions: Definitions of certain words used
<u>Section Four</u>	General Provisions and conditions: Identifies general provisions for Individual Sewage Treatment Systems (ISTS) and the proposed City of Mora Municipal System within the Subordinate Service District
<u>Section Five</u>	Rates, Charges and Connection to the District System: Defines the authority of the District Board to set Fees, impose service charges, and collect for unpaid services for all landowners subject these rules in the District
<u>Section Six</u>	Damage to District and City Municipal System prohibited: Identifies rules and responsibilities for use of an ISTS and/or City Municipal System
<u>Section Seven</u>	Violation is a Misdemeanor: Identifies that violation of the Ordinance is punishable
<u>Section Eight</u>	Amendments and/or Changes: Process for amendments or changes to Zoning Ordinance

Section Nine      Validity and Severability: States that the invalidity of a portion of this Ordinance will not make the rest of the Ordinance invalid

Section Ten      Effective Date: Effective date of Ordinance

Final Adoption Pages      Public Hearing Notice & Adoption Summary

Appendices

Exhibit No. 1--Arthur Township Sewage and Wastewater Treatment Ordinance

Exhibit No. 2--Map of Designated Area

Exhibit No. 3--Sanitary Sewer Interconnection Agreement By and Between the City of Mora and Arthur Township

A copy of the "Draft" Arthur Township Wastewater Ordinance for the Subordinate Service District, Ordinance 2002- for Arthur Township can be viewed at the office of the Clerk at 1899 Frontage Road, Mora, Minnesota on a Wednesday between 9 a.m. and 5 p.m. or other hours by contacting the clerk at 679-1347 or 679-1444 evenings. A draft copy will be available to review located at the Mora Public Library, Mora, MN 55051.

*Lucille Schultz, Clerk*  
*Town of ARthur*

ARTHUR TOWNSHIP  
KANABEC COUNTY, MINNESOTA  
ORDINANCE NO. 2002-WASTEWATER

PUBLIC NOTICE  
Adoption of Ordinance

The Board of Supervisors for the Town of Arthur, Kanabec County, Minnesota, now ordains that on 9-30, 2002, the Arthur Township Board of Supervisors conducted a hearing on the Arthur Township Environmental Subordinate Service District Ordinance, 2002-Wastewater on October 9, 2002, the Arthur Township Board of Supervisors adopted the Arthur Township Environmental Subordinate Service District Ordinance for Arthur Township, 2002-Wastewater.

Due to the lengthy content of the Ordinance, a brief Ordinance Summary follows:

Recitals

Section One	Authority:	Authority and purpose of the Ordinance
Section Two	Introduction:	Background and legal description of the District
Section Three	Definitions:	Definitions of certain words used within the Ordinance
Section Four	General Provisions and Conditions:	Identifies general provisions for Individual Sewage Treatment Systems (ISTS) and the proposed City of Mora Municipal System within the Subordinate Service District
Section Five	Rates, Charges, and Connection to the District System:	Defines the authority of the District Board to set fees, impose service charges, and collect for unpaid services for all landowners subject to these rules in the District
Section Six	Damage to District and City Municipal System Prohibited:	Identifies rules and responsibilities for use of an ISTS and/or City Municipal System
Section Seven	Violation is a Misdemeanor:	Identification that violation of the Ordinance is punishable
Section Eight	Amendments or Changes:	Process for amendments or changes to Zoning Ordinance
Section Nine	Validity and Severability:	States that the invalidity of a portion of this Ordinance will not make the rest of the Ordinance invalid
Section Ten	Effective Date:	Effective date of Ordinance Final Adoption Pages Public Hearing Notice and Adoption Summary

Appendices

- Exhibit No. 1 - Arthur Township Sewage and Wastewater Treatment Ordinance
- Exhibit No. 2 - Map of Designated Area
- Exhibit No. 3 - Sanitary Sewer Interconnection Agreement By and Between the City of Mora and Arthur Township

This Ordinance, its rules and regulations for Arthur Township landowners within the District, shall take effect and be in full force immediately following its adoption and upon publication. A copy of the Ordinance is available for review at the East Central Public Library, 300 W Maple, Mora, MN, and at the office of the Clerk, during regular office hours, at 1899 Frontage Road, Mora, MN

ATTEST:

*Lurille Schultz*  
Clerk, Arthur Township

*Thomas E. Jones*  
Chairman, Arthur Town Board Supervisors

This is a detailed plat map of Section 7, Township 6N, Range 10E. The map shows various land parcels, many of which are outlined with thick dashed lines. Key features include:  

- Roads:** "Little Ranches Road" runs horizontally across the top. "Hwy. No. 65" runs vertically through the center-right. "Hwy. No. 23" runs horizontally across the middle-left.
- Rivers:** The "Snake River" flows along the right edge of the section. The "Am River" is shown at the bottom right corner.
- Landmarks and Labels:** A large area in the lower-middle is labeled "Norcon Land". Other labels include "City of Nora Corporate Limits" at the top left and right, "Arthur Township" at the top left and right, and "Section 7" in the upper left. Various smaller parcels are labeled with names like "LITTLE RANCHES TRACT", "BANK OF THE SNAKE CO.", and "SNAKE RIVER TRACT".
- Dimensions:** Several dimensions are noted, such as "700" and "300" feet for specific parcels or road widths.



Designated Area  
Sec. 23, T 39 N, R 24 W  
Mora, MN

**EXHIBIT  
NO. 1**

**ARTHUR TOWNSHIP  
SEWAGE AND WASTEWATER TREATMENT  
ORDINANCE**

**ORDINANCE NO. 4**

An ordinance authorizing and providing for sewage and wastewater treatment: establishing minimum standards for and regulation of individual sewage treatment systems(ISTS) within the incorporated and unincorporated areas of the Township of Arthur except incorporated area which has itself adopted standards that comply with Minn. Stat. 115.55 and are at least as strict as this ordinance; incorporating by reference minimum standards and requirements established by Minnesota Statutes, and rules of the Minnesota Pollution Control Agency requiring permits for installation, alteration, repair or extension of ISTS in the Township; establishing standards for upgrade, repair, replacement, or discontinuance of use of ISTS; imposing penalties of failure to comply with these provisions; providing for enforcement of these requirements; and promoting the health safety and welfare of the public pursuant to Minnesota Statutes Chapters 115, 145A, 375, 394, and 471, specifically paragraphs 115.55, 145A, 375.51, 394.21 through 394.37 and 471.82 and in furtherance of Township policy.

The Board of Supervisors of the Township of Arthur, County of Kanabec, State of Minnesota, does ordain:

**SUBDIVISION 1. PURPOSE AND INTENT**

The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for and regulations of individual sewage treatment systems(ISTS) and septage disposal including the proper location, design, construction, operation, and maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A, and the Minnesota rules Chapter 7080 as amended and as amended in the future, that may pertain to sewage and wastewater treatment.

**SUBDIVISION 2. GENERAL PROVISIONS**

**2.10 STANDARDS ADOPTED BY REFERENCE.** The Township hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.0600 and 7080.0950, and Minnesota Statute Chapter 115.55 as now constituted and from time to time amended.

**2.20 ADMINISTRATION BY ARTHUR TOWNSHIP.** The Township authorized licensee hereafter referred to as the Township ISTS Inspector shall regulate ISTS and septage disposal in Arthur Township pursuant to this SECTION.

2.21 The Township ISTS Inspector shall have the following duties and responsibilities:

- A. To review all applications for ISTS;
- B. To issue all permits required by this Section
- C. To inspect work in progress and to perform the necessary tests to determine if compliance with this SECTION;
- D. Investigate written, signed complaints regarding ISTS and septage disposal;
- E. To issue certificates of compliance or notices of noncompliance where appropriate;
- F. To issue Stop Work Orders and Notices of Violation, pursuant to this SECTION;
- G. To maintain proper records for ISTS and septage disposal including site evaluation records, design records including calculations and summaries for all system component sizing and as-builts.
- H. To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per Chapter 7080.

2.22 Neither the issuance of permits, certificates of compliance or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or noncompliance with the provisions of these standards and regulations.

2.30 **LICENSE REQUIREMENTS.** No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such task from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1 and as follows:

2.31 **PROPERTY OWNERS DOING OWN WORK.** As an additional measure of public health and environmental protection; property owners who may be permitted to construct or repair ISTS on their own properties shall be exempted from providing proof of a State License but shall be required to execute a signed indemnification agreement pursuant to Subdivision 2.31.10 of this SECTION. Property owners doing their own work must comply with Rule 7080.0700, Subpart 1.

2.31.10 **INDEMNIFICATION AGREEMENT.** The permittee shall provide a signed agreement to the ISTS Inspector which indemnifies and saves the Township, holding it harmless from all losses, damages, costs and charges that may be incurred by the Township due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.

2.40 **PERMITS.** A permit shall be obtained whenever any ISTS in Arthur Township is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an ISTS shall not begin without first making an application for a permit and obtaining said permit from the Township ISTS Inspector for each specific installation, replacement, alteration repair or extension pursuant to this SECTION. Such permits are not transferable as to person, contractor or place. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

2.41 **PERMIT APPLICATION REQUIREMENTS.** All applications for a ISTS permit shall include the following information:

- A. Name and address of property owner;
- B. Property identification number;
- C. Legal description of the property;
- D. ISTS Designer Name, address, phone number and State  
ISTS License number.
- E. Site evaluation report on a form as provided by the  
Township ISTS Inspector;
- F. System design with full information including applicable  
construction information on forms as provided by the  
Township ISTS Inspector;
- G. Any other information requested, pertinent to the process;

2.42 **APPLICATION REVIEW AND APPROVAL.** If, after consideration of the application for a permit, the Township ISTS inspector shall be satisfied that the work contemplated, conforms to and complies with provisions of this SECTION, the Township ISTS Inspector shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed.

2.43 **INCOMPLETE APPLICATION INFORMATION.** If after consideration of the application for a permit, the Township ISTS Inspector shall be satisfied that the work contemplated will not conform to or comply with the provisions of this SECTION, the Township ISTS Inspector shall deny the application for a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Township ISTS Inspector at any reasonable time for reconsideration.

2.44 **FEES.** The Township board shall establish fees for permits required by this Ordinance.

2.44.10 Fees shall be due and payable at the time of application for a permit.

2.50 **INSPECTIONS.** The permittee shall notify the Township ISTS Inspector 24 hours prior to the completion and covering of the ISTS. The installation

and construction of the ISTS shall be in accordance with the permit requirements and application design. If any ISTS component is covered before being inspected and approved by the Township ISTS Inspector, it shall be uncovered upon the direction of the Township ISTS Inspector. Proposals to alter the approved design shall be reviewed and proposed change accepted by the Township ISTS Inspector prior to construction. Inspections shall be conducted at least once during the construction of the ISTS at such time as to assure that the system has been constructed per submitted and approved design.

**2.51 NOTIFICATION FOR INSPECTIONS.**

A. It shall be the duty of the permittee to notify the Township ISTS Inspector on the workday preceding the day inspection is desired.

B. If the permittee provides proper notice as described above and the Township ISTS Inspector does not appear for an inspection within two hours after time set, the permittee may complete the installation. The permittee shall then file a signed As-built, including photographs of the system prior to covering, with the Township ISTS Inspector within five working days. The As-built shall include a signed statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects.

**2.52 AS-BUILTS.** As-builts shall be submitted to the Township ISTS Inspector within five (5) working days of completion of the work on the ITST. These shall be submitted on forms provided by the Township ISTS Inspector.

**2.60 FAILING SYSTEMS.** A Notice of Noncompliance shall be issued and copies provided to the property owner and to the Township ISTS Inspector within 30 days under the following conditions;

**2.61 A FAILING ISTS** any system that discharges sewage to a seepage pit, drywell, or leaching pit and any existing system with less than two feet (three feet in Shoreland or Well Head Protected Area) of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock or as per most recently amend definition of Failing System in Minnesota Rules Part 7080.0020 or Minnesota Statute Chapter 115.55.

**2.61.10** An ISTS posing an Imminent Threat to Public Health shall be upgraded, replaced or repaired, or its use discontinued, within an appropriate time no greater than 10 months.

**2.70 ADDITIONAL SOIL TREATMENT AREA REQUIREMENTS.** On all lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.



**2.80 ADDITIONAL DESIGN STANDARDS**

All new and upgraded sewage treatment systems for individual dwelling shall be sized for Type I dwelling.

**2.90 POINT OF SALE OF PROPERTY**

All property being transferred and/or sold shall be brought into compliance with the Rule 7080 as adopted and amended by this ordinance.

**SUBDIVISION 3. ENFORCEMENT**

- 3.10 Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.
- 3.20 In the event of a violation of this Ordinance, in addition to other remedies, the Township Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

**SUBDIVISION 4. ADOPTIONS OF THIS ORDINANCE**

This ordinance shall be in full force and effect upon its passage and publication. Any preceding ordinance is null and void.

ADOPTED by the Arthur Town Board this 4<sup>th</sup> day of October, 1999.

ARTHUR TOWNSHIP

BY: Chas. M. Baur Chairman

Robert Ochler, Supervisor

Rick Bergman, Supervisor

ATTEST: Lucille Schults Clerk

Dates This 4<sup>th</sup> day of October, 1999.

199816

Minnesota Rules, Table of ChaptersTable of contents for Chapter 7080

## 7080.0305 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

Subpart 1. **Compliance with this chapter.** All counties must adopt ordinances that comply with this chapter unless all towns and cities in the county have adopted local ordinances that also comply with this chapter and are as strict as the applicable county ordinance.

Subp. 2. **General requirements for county, town, and city local ordinances.** Local ordinances to regulate individual sewage treatment systems shall incorporate provisions of parts 7080.0020 and 7080.0060 to 7080.0176. Counties may adopt alternative local standards in local ordinances if the requirements of subpart 6 are met. For all local ordinances, items A to E apply.

A. County ordinances must apply to all areas of the county other than cities or towns that have adopted local ordinances that comply with this chapter and are as strict as the county ordinance.

B. Local ordinance requirements for new construction and replacement may be more restrictive than this chapter.

C. Local ordinance requirements regulating vertical separation for systems built prior to April 1, 1996, in non-SWF must meet the requirements in part 7080.0060, subpart 3, item B, subitem (2).

D. Warrantied systems (7080.0450), and design options under part 7080.0172 may be employed unless specifically prohibited, in whole or in part, by local ordinance.

E. A local unit of government must make available to the public upon request a written list of all technical differences between its ordinance and rules adopted under this chapter.

Subp. 3. **Variances.**

A. After December 31, 1995, a local unit of

199816

government shall not issue a variance for replacement, or for the addition of a bedroom on property served by a system unless the individual sewage treatment system is in compliance with local ordinance, as evidenced by a certificate of compliance.

B. Variances to technical standards and criteria may be granted by the local unit of government if applicable local variance procedures are followed. Less restrictive vertical separation is allowed if the requirements of Minnesota Statutes, section 115.55, subdivision 7, are met or if the requirements in part 7080.0179 are met.

C. Only the governing state agency may issue variances to chapters 4720, 4725, 6105, and 6120.

Subp. 4. **Administrative requirements for local ordinances.** Administration of local ordinances regulating individual sewage treatment systems shall comply with parts 7080.0305 to 7080.0315. Local ordinances shall include items A to H.

A. A provision requiring the upgrade, replacement, repair, or discontinued use of a failing system within a specified time period after the owner receives a notice of noncompliance.

B. A provision requiring the upgrade, replacement, repair, or discontinued use of a system which represents an imminent threat to public health or safety within ten months after the owner receives a notice of noncompliance.

C. A provision requiring that the owner has five years from the date of the bedroom addition permit issuance to upgrade, replace, repair, or discontinue use of the system. This upgrade criterion applies only if:

(1) the local unit of government issues a permit to add a bedroom;

(2) the system inspection is triggered by a bedroom addition permit request;

(3) the system was installed between May 27, 1989, and January 23, 1996;

(4) the system does not comply with part 7080.0060; and

(5) the system is not an imminent threat to public health or safety.

**199816**

D. A provision to adopt the requirements under subpart 2.

E. A provision that requires all design, installation, alteration, repair, maintenance, pumping, and inspection activities for an individual sewage treatment system to be completed by an appropriately licensed business, an appropriately registered qualified employee, or a person exempted under part 7080.0700, subpart 1. A local unit of government may not require additional local licenses for ISTS professionals.

F. A provision that requires all lots created after January 23, 1996, to have a minimum of one additional soil treatment area that can support a standard system.

G. A provision that requires abandonment in accordance with part 7080.0176 of an existing individual sewage treatment system, or part thereof, that will no longer be used.

H. A provision regulating the installation and management of holding tanks.

Subp. 5. **Submittal of ordinance to commissioner.** A copy of all local ordinances regulating ISTS and all future ordinances or amendments must be submitted to the commissioner within 30 days after adoption. Local ordinances with alternative local standards must be submitted to the commissioner for comment prior to adoption by the local unit of government. A written list of any differences between the local ordinance and this chapter must be included in the submittal.

Subp. 6. **Requirements for alternative local standards.** Counties may adopt and enforce by ordinance alternative local standards for an existing system or new construction or replacement. The alternative local standards must protect public health and the environment in accordance with Minnesota Statutes, section 115.55, subdivision 7, paragraphs (a) and (b), and must comply with items A to E.

A. Alternative local standards shall not apply to SWF.

B. Any alternative local standard must include references to requirements under other state laws or rules or

local ordinances.

**199816**

C. Local ordinances with alternative local standards for existing systems must include a time period to upgrade, replace, or discontinue use of a failing system. The draft local ordinance, including the alternative local standards, shall be submitted to the commissioner for comment prior to adoption to demonstrate that, based on local circumstances in that jurisdiction, the alternative local standards adequately protect public health and the environment. Justification for the alternative local standard for existing systems may include:

- (1) soil separation;
- (2) soil classification;
- (3) vegetation;
- (4) system use;
- (5) localized well placement and construction;
- (6) localized density of systems and wells;
- (7) extent of area to be covered by the alternative local standard;
- (8) groundwater flow patterns; and
- (9) existing natural or artificial drainage systems.

D. Alternative local standards for new construction or replacement. Counties may adopt alternative local standards for new construction or replacement in areas of sustained and projected low population density where conditions render conformance to this chapter difficult or otherwise inappropriate. Counties seeking to adopt alternative local standards for new construction or replacement must submit the following information:

- (1) population density of the area covered by the alternative local standard;
- (2) reasons why conformance to this chapter is

difficult or otherwise inappropriate;

199816

(3) a description of the hardship that would result from strict adherence to this chapter;

(4) evidence of sustained and projected low population density;

(5) evidence that the proposed alternative local standard provides cost-effective and long-term treatment alternatives;

(6) a map delineating the area of the county to be served by the local standard; and

(7) justification should also include item C, subitems (1) to (9).

E. The draft county ordinance, including the alternative local standards for new construction and replacement, shall be submitted to the local water planning advisory committee created under Minnesota Statutes, section 103B.321, subdivision 3, and then submitted with justification to the commissioner at least 30 days before adoption for review and comment demonstrating that they adequately protect public health and the environment.

Subp. 7. [Repealed, 24 SR 426]

Subp. 8. [Repealed, 24 SR 426]

Subp. 9. **Enforcement of local ordinances.** Local units of government shall enforce local ordinances that regulate individual sewage treatment systems through permitting programs that meet the minimum requirements under part 7080.0310 and inspection programs that meet the minimum requirements under part 7080.0315. Local units of government may also enforce local ordinances under Minnesota Statutes, section 115.071, subdivisions 3 and 4.

Subp. 10. **Incorporation by reference part 7080.0179.** Past or future incorporation by reference into a local ordinance of all or part of this chapter does not include adoption of part 7080.0179, the part establishing standards for performance or part 7080.0170, subpart 2, item C, subitem (1), unit (b), Table Va. If a local unit of government chooses to adopt that part, it must do so expressly. The local unit of government may use

the following format: "Minnesota Rules, part 7080.0179, is  
incorporated by reference into Ordinance ....."

**199816**

STAT AUTH: MS s 115.03; 115.55; 115.56

HIST: 20 SR 1995; 24 SR 426

*Current as of 02/28/00*

Minnesota Rules. Table of Chapters

199816

Table of contents for Chapter 7080

## 7080.0179 PERFORMANCE.

Subpart 1. Incorporation by reference of this part. Past or current incorporation by reference of this chapter into a local ordinance does not include adoption of this part. If a local unit of government chooses to adopt this part, it must do so expressly. The local unit of government may use the following format: "Minnesota Rules, part 7080.0179, is incorporated by reference into Ordinance ....."

## Subp. 2. Performance systems.

A. Each system's design report, monitoring plan, and mitigation plan under this part must be operated under the permit requirements of part 7090.0310, subpart 6. Reasonable assurance of performance of the system must be submitted to the local unit of government. The engineering design of the system must be submitted and approved by the local unit of government.

B. Systems designed, constructed, and operated under this part shall meet or exceed the following requirements:

(1) only sewage may be discharged into the system;

(2) treatment processes and devices shall not allow bodily contact with sewage or sewage effluent;

(3) disposal of sewage effluent shall be below grade, with the effluent remaining below grade until reaching a groundwater discharge area. The below grade discharge shall not result in creation of a new surface discharge;

(4) the treatment and disposal of sewage or sewage effluent shall be in a safe manner that adequately protects the public, including protection from physical injury and harm;

(5) all methods and devices used to treat and dispose of sewage shall conform to all applicable federal, state, and local requirements; and



199816

(6) all devices shall be operated and maintained in accordance with manufacturer's requirements.

C. Groundwater and surface water protection.

(1) Soil treatment systems must be designed with a vertical separation appropriate for the sewage treatment system design, including effluent quality, loading rates, loading methods, soil conditions, and other site-specific considerations as established in the operating permit. An unsaturated zone must be maintained between the bottom of the soil treatment system and the seasonally saturated soil or bedrock during loading of effluent.

(2) The sewage effluent/groundwater plume shall contain no viable fecal organisms 25 feet horizontally from the soil treatment area. This limit shall not be exceeded during typical periods of climatic stress and/or under typical maximum designed flow volumes.

(3) If the system is located on a lot which adjoins a lake, the sewage effluent/groundwater plume shall:

(a) have a total phosphorus concentration of 1 mg/l or less 50 feet or greater from the soil treatment area; or

(b) have concentrations of total phosphorus less than 1 mg/l above background concentrations 50 feet or greater from the soil treatment area.

(4) Local units of government may enact nitrogen standards for sewage effluent/groundwater plumes from an ISTS. Local units of government may also require additional standards for local resource protection.

D. Long-term performance.

(1) Designers of systems designed under this part shall provide to the local unit of government and the property owner the following:

(a) estimated costs for construction, operation, monitoring, service, component replacement, and management;

**199816**

(b) anticipated system life; and

(c) hydraulic and organic loading rates to all components of the system.

(2) Flow shall be determined in accordance with part 7080.0125 for dwellings or with part 7080.0600, subpart 4, item B, for groups of dwellings or other establishments.

STAT AUTH: MS s 115.03; 115.55; 115.56

HIST: 24 SR 426

*Current as of 02/28/00*

**EXHIBIT NO. 3****SANITARY SEWER INTERCONNECTION AGREEMENT  
BY AND BETWEEN THE CITY OF MORA AND ARTHUR TOWNSHIP**

THIS AGREEMENT for sanitary sewer service is made this \_\_\_ day of September, 2000, by and between the City of Mora (City), a municipal corporation of Kanabec County, Minnesota, and Arthur Township, an unincorporated area of Kanabec County, Minnesota.

In consideration of the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. **Purpose.** The City agrees to extend, construct, install, operate and maintain a sanitary sewer collection system located within the Designated Area of the Township and to permit the interconnection of that system with the City sewer system and to convey and treat the wastewater delivered to the City sewer system from the Designated Area on the terms and conditions established herein and contingent upon and in accordance with the terms of the Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached as an addendum to and incorporated in by reference.
2. **Designated Area.** The area of the Township designated for provision of sanitary sewer service by the City shall be the same area as designated for orderly annexation as provided in the Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached as an addendum to and incorporated in by reference. For ease of reference the sewer service area located within the Township shall hereinafter be referred to as the "Designated Area".
3. **Period for connection without annexation.** The period for providing sanitary sewer service to the Designated Area of the Township prior to annexation of the Designated Area shall be as specified in the Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached to and incorporated in by reference.
4. **Service fees and charges.** The parties hereto agree that in consideration for transport and treatment of the wastewater of the Township discharged from the sanitary sewer system located in the Designated Area, prior to annexation, the City shall enter into connection agreements with individual property owners located within the Designated Area. Such connection agreements shall reimburse the City for its sewer installation costs. The City shall also collect user fees and service charges from property owners receiving sewer service in accordance with City ordinances and consistent with Minnesota Statutes, Chapters 429 and 444. The parties agree that the fee structure may be subject to adjustment from time to time by the City, in accordance with the fees paid by residents of the City, and that service installation is contingent upon the City receiving a sufficient number of connection agreements signed by property owners within the Designated Area to reimburse the City for the City's costs of service installation as provided for in the

Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached to and incorporated in by reference.

5. Monitoring of sewer system. All sewage discharged into the sanitary sewer collection system located within the Designated Area of the Township shall be accurately monitored for strength and volume by acceptable metering and sampling equipment by the City at the point of interconnection. The Township agrees and authorizes the City to undertake such monitoring activities as the City deems necessary from time to time within the Designated Area.

The Township authorizes and shall allow, without further permit or easement, but with reasonable notice, the City to install, construct, operate, maintain, inspect and keep in repair the sanitary sewer collection system located within the Designated Area so that such facilities and all user connections thereto at all times strictly conform with all state and federal laws and regulations, applicable ordinances of the City, and the terms contained herein and the terms of the Joint Resolution to which this Agreement is attached.

All required flow metering and sampling equipment shall be operational on a continuous basis and wastewater flow shall be measured on a continuous basis, with volumes totalized and recorded continuously. The reading and recording of results and collection and analysis of wastewater samples from the sanitary sewer collection system located within the Designated Area of the Township shall be completed by the City. Analysis of pollutants may be conducted by the City at any time.

6. Inspection of sewer system. The City shall be permitted to inspect the sanitary sewer collection system and any connections thereto located within the Designated Area of the Township at any time prior to annexation for purposes of operating and maintaining said sewer collection system.
7. Quality of effluent delivered to sewer system. The quality of effluent to be delivered to the City sewer system from the sanitary sewer collection system located within the Designated Area, at the point of interconnection, shall be aerobic in character and the odor shall not be stronger than that associated with normal domestic strength wastewater effluent. The Township shall immediately notify the City of any potential, proposed or actual substantial change in the volume or strength characteristics of the wastewater effluent discharged at the point of interconnection with the City which the Township knows or has reason to believe will or is likely to have, either singly or by interaction with other wastes, a negative impact on the City sewer system or wastewater treatment plant. The City, in its judgment, may restrict the rate of flow at the point of interconnection to strictly conform with its NPDES permit, City ordinances and state and federal law.
8. Property owner discharge restrictions. The City and Township agree that the City may restrict the wastewater discharge from an individual property connected to the sewer

system located within the Designated Area of the Township should the City determine that such restriction or limitation is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to human health or welfare, an endangerment to the environment, interference with the operation of the City wastewater treatment plant or sewer collection system, or which may cause the City to violate any condition of its NPDES permit.

The Township in cooperation with the City, when notified of a restriction or limitation on wastewater service, shall act with the City as soon as practicable after notification to take such actions as are necessary to cause those responsible users to cease or reduce such discharges. In the event of failure of a user to comply voluntarily with a restriction or limitation, the City in cooperation with the Township may take such actions as are necessary, including but not limited to, immediate suspension of sewer service or severance of the sewer connection, in order to ensure full compliance with all of the terms contained herein, the terms of the Joint Resolution to which this Agreement is attached, applicable ordinances, and state and federal law.

9. Discharge of certain materials prohibited. The Township, by adoption of ordinances and employment of suitable methods, shall prohibit users of the sanitary sewer collection system located within the Designated Area of the Township from discharging, either directly or indirectly, any of the following described substances, unless otherwise expressly agreed to in writing by the City:
  - a. All waste of any type generated from any source outside the Designated Area.
  - b. All waste generated from septic tank contents, privy vault contents, sewage holding tanks and the like generated from within the limits of the Designated Area.
  - c. Any wastes which may directly or indirectly impair the proper functioning of the City wastewater treatment plant or sewer collection system.
  - d. Any wastes the strength or pollution effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate state or federal water quality standards, or any term or condition contained in the City's NPDES permit.
  - e. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the City sewer system or to the operation of the City sewer system.
10. Permit required. The Township agrees to require, by ordinance and employment of suitable methods, that any user of the sanitary sewer collection system located within the Designated Area of the Township contemplating to discharge waters, wastes or loadings

in excess of those limits established by the City or otherwise established, shall apply for and receive a written wastewater discharge permit between the user and the City. No discharges or loadings in excess of established limits shall be permitted until an approved wastewater discharge permit has been issued to the user by the City.

If any waters or wastes are discharged or are proposed to be discharged to the sewer system located within the Designated Area which contain substances or possess characteristics which in the judgment of the City may have a deleterious effect upon the City sewer collection system or wastewater treatment plant, processes, or equipment; the receiving waters, soil, vegetation, or groundwater; or which otherwise create a hazard to life or constitute a public nuisance, the City and Township agree that the City may take one or all of the following actions:

- a. Reject the wastes prior to or during their discharge to the City sewer system;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require such remedial steps, as are in the judgment of the City necessary to abate any further impairment, either direct or indirect, of the proper functioning of the City sewer system;
- d. Require control over the quantities and rates of discharge which may include the restriction, limitation or suspension thereof;
- e. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing user or sewer service charges. This includes, but is not limited to, reimbursement for any fines or penalties levied against the City for a violation of its NPDES permit or which otherwise have resulted from a discharge from the sewer system located within the Designated Area; or
- f. Require a wastewater discharge permit.

11. Industrial users/Permit/Pretreatment. The Township agrees to require, by ordinance and employment of suitable methods, that all industrial users of the sewer system located within the Designated Area of the Township, if any, adhere to and strictly comply with the wastewater discharge permit, monitoring and pretreatment requirements established by the City.

The City reserves the right to adopt, modify, or amend standards and regulations governing the contribution of wastes, pretreatment, and the contents and applicability of wastewater discharge permits as the same from time to time may be necessary or desirable.

12. Infiltration and inflow. The parties hereto agree that control and remediation of infiltration and inflow (I/I) is a priority. Therefore, for purposes of controlling I/I, the Township agrees to, by adoption of ordinances and employment of suitable methods, effectively exclude extraneous I/I to the sewer system located within the Designated Area of the Township, including but not limited to, storm water runoff from roofs, eaves, rainspouts, yards, lawns, foundation drains, parking lots, streets, alleys, and the like.

The Township shall exercise due care to preclude gravel, sand, dirt, grit or heavy substances of any kind from being washed or dumped into the sewer system located within the Designated Area. When expenses are incurred in cleaning the City sewers due to any such substance being carried into them from the sewer system located within the Designated Area of the Township, all such expenses attributable to the Township shall be paid for by the Township within thirty (30) days of receipt of an invoice from the City. The City shall provide an itemized accounting of the cleaning expenses incurred with the invoice provided to the Township.

13. Liability for negligence. The Township shall indemnify, save and hold harmless the City from any and all loss or damage to any property incurred by the City by reason of any act or omission of the Township, its agents or employees, in connection with the construction or operation and maintenance of the sanitary sewer system located within the Designated Area, unless the same shall be due to the negligence of the City, its agents or employees. The City shall indemnify, save and hold harmless the Township from any and all loss or damage to any property incurred by the Township by reason of any act or omission on the part of the City, its agents or employees, in connection with the construction or operation and maintenance of the City sanitary sewer collection system and wastewater treatment plant, unless the same shall be due to the negligence of the Township, its agents or employees.

14. Nonliability of City under certain changed circumstances. The City shall exercise diligence in operating and maintaining its sanitary sewer system, including its sewer collection system and wastewater treatment plant, and in the construction, operation and maintenance of the sanitary sewer collection system located within the Designated Area of the Township. If said systems are prevented from receiving and discharging sewage from the Designated Area in accordance with the terms contained herein or the terms of the Joint Resolution for Orderly Annexation by and between the City and Township to which these terms are attached, by any cause not reasonably within the control of the City, including but not limited to, acts of God (fire, explosion, flood, earthquake, tornado), strike, war, unavoidable accident, rupture of pipe resulting from temperature change or ground disturbances, or federal or state interference (governmental exercise of authority, court orders), the City agrees (except in the case of total destruction or near total destruction of its properties) to diligently put its treatment works in condition again, as soon as practicable, to dispose of sewage in the manner provided for herein and in accordance with the terms of the Joint Resolution to which these terms are attached. The Township shall hold, save and defend, the City harmless for any damage or loss resulting from such impossibility, frustration, interruption or suspension of performance.

15. Title to remain with City. It is agreed and understood by the parties hereto that the title to, and all incidents of ownership in, the City wastewater treatment plant and sewer collection system, any subsequent replacement or upgrades, improvements, or expansions thereof, and all the grounds upon which the same is located shall remain in the City and shall be the absolute property of the City. It is further agreed and understood that the operation of the City wastewater treatment plant and sewer collection system and employment of personnel therefore shall be in the full charge of the City.
16. Adopt and Enforce Regulations. The Township agrees to adopt and strictly enforce the City's sewer ordinance as such ordinance now exists or as such ordinance may from time to time be amended by the City Council. The City and Township agree to enact, adopt, and strictly enforce all resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Agreement.
17. Governing law. This Agreement is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
18. Modification/Amendment. This Agreement shall not be modified, amended, or altered except upon the written agreement of the City and the Township.
19. Term/Termination. The City shall provide sanitary sewer service within the Designated Area and without annexation for a period ending seven and one half (7.5) years after the date the City Engineer certifies the substantial completion of the sewer project within the Designated Area as provided for in the Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached as an addendum to and incorporated in by reference. This Agreement shall be in full force and effect for the specified term, unless otherwise terminated earlier by mutual written agreement of the City and Township, the Joint Resolution becomes null and void pursuant to its terms, or upon the annexation of the Designated Area.
20. Severability. In the event that any provision of this Agreement is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Agreement or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.
21. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Agreement.
22. Entire Agreement. The terms, covenants, conditions and provisions of this Agreement and the terms and conditions contained in the Joint Resolution for Orderly Annexation by and between the City and Township to which this Agreement is attached as an addendum to and incorporated in by reference including the present and all future attachments or



exhibits to that Joint Resolution shall constitute the entire Agreement between the parties hereto, superseding all prior agreements and negotiations. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

23. Disputes and Remedies. The City and Township agree as follows:

- a. Negotiation. When a disagreement over interpretation of any provision of this Agreement shall arise, the City and the Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- b. Arbitration. When the parties to this Agreement are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Agreement, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.
- c. Adjudication. When the parties to this Agreement are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Agreement or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction.

24. Notice. Any notices required under the provisions of this Agreement shall be in writing and sufficiently given if delivered in person or sent by mail, postage prepaid, as follows:

If to the City:

Mr. Jim Elmquist, City Administrator (or his successor)  
City of Mora  
117 Railroad Avenue S.E.  
Mora, MN 55051-1538

If to the Township:

Ms. Lucy Schultz, Town Clerk (or her successor)  
Arthur Township  
1899 Frontage Road  
Mora, MN 55051

FOR THE CITY OF MORA

FOR ARTHUR TOWNSHIP

\_\_\_\_\_  
Mary Schwartz  
Mayor

\_\_\_\_\_  
Charles McGovern  
Chair

\_\_\_\_\_  
Dorothea McCallum  
City Clerk

\_\_\_\_\_  
Lucy Schultz  
Town Clerk

Dated this \_\_\_\_ day of September, 2000.

Dated this \_\_\_\_ day of September 2000.