

**WABEDO TOWNSHIP
CASS COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2007 -05

**ORDINANCE GOVERNING THE "LAZY BOY TRAIL" SUBORDINATE
SERVICE DISTRICT
WASTE WATER COLLECTION AND TREATMENT SYSTEM**

DATE: May, 2007

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WABEDO TOWNSHIP
ORDINANCE NO. 2007 -05

ORDINANCE GOVERNING THE "LAZY BOY TRAIL" SUBORDINATE SERVICE
DISTRICT
WASTE WATER COLLECTION AND TREATMENT SYSTEM

THE TOWN BOARD FOR THE TOWN OF WABEDO, CASS COUNTY, MINNESOTA,
HEREBY ORDAINS:

SECTION ONE

AUTHORITY

The Wabedo Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapter 365A, Chapter 115.50, and Chapter 444 enacts the following Rules and Regulations to govern the Lazy Boy Trail Subordinate Service District for the health, safety and welfare of the users and members of Wabedo Township.

SECTION TWO

INTRODUCTION

The Lazy Boy Trail Subordinate Service District was certified on the 30th day of October, 2005, amended and certified again on the 1st day of March, 2007, hereinafter called DISTRICT, under Minnesota Statutes, Chapters 365A, 115.50, and 444.

The Lazy Boy Trail Subordinate Service District (DISTRICT) will operate for the residents in that area legally described herein below and graphically depicted on the attached Exhibit A:

LEGAL DESCRIPTION

ORIGINAL DISTRICT:

Located in Section 22, Township 140 N, Range 28 W,

Parcel Identification Number: 46-022-2122

Legal Description as follows:

All that part of Government Lots 1 and 2 of Section 22, Township 140, Range 28, described as follows: Commencing at the Northwest corner of said Lot 1; thence South 89 degrees 56 minutes 30 seconds East 587.39 feet along the north line of said Lot 1; thence South 05 degrees 34 minutes East 1066.60 feet; thence North 65 degrees 21 minutes East 219.99 feet; then South 07 degrees 56 minutes East 310.61 feet to the point of beginning of the tract to be described; thence South 07 degrees 56 minutes East a distance of 116 feet to an iron monument; thence South 76 degrees 38 minutes East 340 feet, more or less, to the shore of Little Boy Lake; thence northerly and northeasterly along the shoreline of Little Boy Lake a distance of 100 feet more or

Final: 26-May-07

less, to a point located South 74 degrees 56 minutes East from the place of beginning; thence North 74 degrees 56 minutes West 360 feet, more or less, to the place of beginning.

An easement for roadway purposes over that part of Government Lots 1 and 2, Section 22, Township 140 North, Range 28 West described as follows;

Commencing at the northwest corner of said Lot 1; thence South 89 degrees 56 minutes 30 seconds east 587.39 feet along the north line of said Lot 1; thence south 05 degrees 34 minutes east 421.65 feet to the point of beginning of the tract to be described; thence south 05 degrees 34 minutes east 575.11 feet; thence north 65 degrees 21 minutes east 436.30 feet; thence south 34 degrees 11 minutes east 236.35 feet; thence north 36 degrees 22 minutes east 83 feet; thence south 53 degrees 38 minutes east 40 feet; thence south 36 degrees 22 minutes west 190 feet; thence north 29 degrees 19 minutes west 254.76 feet; thence south 65 degrees 21 minutes west 183.31 feet; thence south 07 degrees 56 minutes east 509.61 feet; thence south 01 degree 52 minutes east 94.53 feet; thence south 00 degrees 39 minutes west 85.09 feet; thence south 06 degrees 22 minutes west 92.35 feet; thence north 75 degrees 49 minutes west 66.62 feet; thence north 06 degrees 22 minutes (east) 80 feet; thence north 00 degrees 39 minutes east 80.35 feet; thence north 01 degree 52 minutes west 89.58 feet; thence north 07 degrees 56 minutes west 486.29 feet; thence south 65 degrees 21 minutes west 198.70 feet to the easterly right of way line of County State Aid Highway 54; thence north 05 degrees 34 minutes west 660.52 feet along said right-of-way line; thence north 84 degrees 26 minutes east 45 feet along said right-of-way line to the point beginning.

And Located in Section 22, Township 140 N, Range 28 W,

Parcel Identification Number: 46-022-2403 •

Legal Description as follows:

That part of Gov. Lot 2, Section 22, Township 140 North, Range 28 West, described as follows: Commencing at the Northwest corner of Gov. Lot 1 of said Section 22; thence South 89 degrees 56 minutes 30 seconds East 587.39 feet along the north line of said Lot 1; thence South 5 degrees 34 minutes east 1066.60 feet; thence North 65 degrees 21 minutes east 219.99 feet; thence South 7 degrees 56 minutes east 509.61 feet to the point of beginning of the tract to be described; thence South 1 degree 52 minutes east 94.53 feet; thence South 75 degrees 40 minutes east 343 feet; more or less, to the shore of Little Boy Lake; thence northeasterly 100 feet, more or less, along said shore to the point on said shore which is South 77 degrees 08 minutes east from the point of beginning; thence North 77 degrees 08 minutes west 366 feet, more or less, to the point of beginning.

Together with Road Easement as follows: An easement for roadway purposes over that part of Gov. Lots 1 and 2, Section 22-140-28 described as follows; Commencing at the Northwest corner of said Lot 1, thence South 89 degrees 56 minutes 30 seconds east 587.39 feet along the north line of said Lot 1; thence South 5 degrees 34 minutes east 421.65 feet to the point of beginning of the tract to be described; thence South 5 degrees 34 minutes east 575.11 feet; thence North 65 degrees 21 minutes east 436.30 feet; thence South 34 degrees 11 minutes east 236.35 feet; thence North 36 degrees 22 minutes east 83 feet; thence South 53 degrees 38 minutes east 40 feet; thence South 36 degrees 22 minutes west 190 feet; thence North 29 degrees 19 minutes west 254.76 feet; thence South 65 degrees 21 minutes west 183.31 feet; thence South

07 degrees 56 minutes east 509.61 feet; thence South 1 degree 52 minutes east 94.53 feet; thence South 0 degrees 39 minutes west 85.09 feet; thence South 06 degrees 22 minutest West 92.35 feet; thence North 75 degrees 49 minutes West 66.62 feet; thence North 6 degrees 22 minutes East 80 feet; thence North 0 degrees 39 minutes east 80.35 feet; thence North 1 degree 52 minutes West 89.58 feet; thence North 7 degrees 56 minutes West 486.29 feet; thence South 65 degrees 21 minutes West 198.70 feet to the easterly right of way line of County State Aid Highway 54; thence North 05 degrees 34 minutes west 660.52 feet along said right-of-way line; thence North 84 degrees 26 minutes east 45 feet along said right-of way line to the point of beginning.

And Located in Section 22, Township 140 N, Range 28 W,

Parcel Identification Number: 46-022-2402 *

Legal Description as follows:

That Part of Government Lot Two (2), Section Twenty-two (22), Township One Hundred Forty (140) North, Range Twenty-eight (28) West, Described as follows; Commencing at the Northwest corner of Government Lot 1 of Said Section 22; thence South 89 degrees 56 minutes 30 seconds East 587.39 feet along the north line of said Lot 1; thence South 5 degrees 34 minutes East 1066.60 feet; thence North 65 degrees 21 minutes East 219.99 feet; thence South 7 degrees 56 minutes East 509.61 feet; thence South 1 degree 52 minutes East 94.53 feet to the point of beginning of the tract to be described; thence South 0 degrees 39 minutes West 85.09 feet; thence South 75 degree 53 minutes East 375 feet, more or less, to the shore of Little Boy Lake; thence Northwesterly 100 feet, more or less, along said shore to the point of said shore which is South 75 degrees 40 minutes East from the point of beginning; thence North 75 degrees 40 minutes West 343 feet, more of less, to the point of beginning.

TOGETHER WITH ROAD EASEMENT:

An easement for roadway purposes over that part of Government Lots One (1) and Two (2), Section Twenty-Two (22), Township One Hundred Forty (140) North, Range Twenty-eight (28) West Described as follows; Commencing at the Northwest corner of said Lot 1, thence South 89 degrees 56 minutes 30 seconds east 587.39 feet along the North line of said Lot 1; thence South 5 degrees 34 minutes East 421.65 feet to the point of beginning of the tract to be described; thence South 5 degrees 34 minutes East 575.11 feet; thence North 65 degrees 21 minutes East 436.30 feet; thence South 34 degrees 11 minutes East 236.35 feet; thence North 36 degrees 22 minutes East 83 feet; thence South 53 degrees 38 minutes East 40 feet; thence South 36 degrees 22 minutes West 190 feet; thence North 29 degrees 19 minutes West 254.76 feet; thence South 65 degrees 21 minutes West 183.31 feet; thence South 07 degrees 56 minutes East 509.61 feet; thence South 1 degree 52 minutes east 94.53 feet; thence South 0 degrees 39 minutes West 85.09 feet; thence South 06 degrees 22 minutest West 92.35 feet; thence North 75 degrees 49 minutes West 66.62 feet; thence North 6 degrees 22 minutes East 80 feet; thence North 0 degrees 39 minutes East 80.35 feet; thence North 1 degree 52 minutes West 89.58 feet; thence North 7 degrees 56 minutes West 486.29 feet; thence South 65 degrees 21 minutes West 198.70 feet to the easterly right of way line of County State Aid Highway 54; thence North 05 degrees 34 minutes west 660.52 feet along said right-of-way line; thence North 84 degrees 26 minutes East 45 feet along said right-of way line to the point of beginning.

And Located in Section 22, Township 140 N, Range 28 W,

Parcel Identification Number: 46-022-2401 *

Legal Description as follows:

That part of Government Lot 2, Section 22, Township 140, Range 28 described as follows: Commencing at the northwest corner of Government Lot 1 of said Section 22, thence South 89 Degrees 56 minutes 30 seconds East 587.39 feet along the North line of said Lot 1; thence South 5 degrees 34 minutes East 1066.60 feet; thence North 65 degrees 21 minutes East 219.99 feet; thence South 7 Degrees 56 minutes East 509.61 feet; thence South 1 Degree 52 minutes East 94.532 feet; thence South 0 Degrees 39 minutes West 85.09 feet to the point of beginning of the tract to be described; thence South 6 Degrees 22 minutes West 92.35 feet; thence South 75 Degrees 49 minutes East 406 feet, more or less, to the shore of Little Boy Lake; thence northwesterly 100 feet, more or less, along said shore to the point of said shore which is South 75 Degrees 53 minutes East from the point of beginning; thence North 75 Degrees 53 minutes West 375 feet; more or less, to the point of beginning. Together with road easement for roadway use over that part of Governments Lots 1 and 2, Section 22, Township 140, Range 28, described as follows: Commencing at the Northwest corner of said Lot 1, thence South 89 Degrees 56 minutes 30 seconds east 587.39 feet along the North line of said Lot 1; thence South 5 Degrees 34 minutes East 421.65 feet to the point of beginning of the tract to be described; thence South 5 Degrees 34 minutes East 575.11 feet; thence North 65 Degrees 21 minutes East 436.30 feet; thence South 34 Degrees 11 minutes East 236.35 feet; thence North 36 Degrees 22 minutes East 83 feet; thence South 53 Degrees 38 minutes East 40 feet; thence South 36 Degrees 22 minutes West 190 feet; thence North 29 Degrees 19 minutes West 254.76 feet; thence South 65 Degrees 21 minutes West 183.31 feet; thence South 07 Degrees 56 minutes East 509.61 feet; thence South 1 Degree 52 minutes east 94.53 feet; thence South 0 Degrees 39 minutes West 85.09 feet; thence South 06 Degrees 22 minutes West 92.35 feet; thence North 75 Degrees 49 minutes West 66.62 feet; thence North 6 Degrees 22 minutes East 80 feet; thence North 0 Degrees 39 minutes East 80.35 feet; thence North 1 Degree 52 minutes West 89.58 feet; thence North 7 Degrees 56 minutes West 486.29 feet; thence South 65 Degrees 21 minutes West 198.70 feet to the easterly right of way line of County State Aid Highway 54; thence North 05 Degrees 34 minutes west 660.52 feet along said right-of-way line; thence North 84 Degrees 26 minutes East 45 feet along said right-of way line to the point of beginning, subject to mineral reservations and restrictions of record.

AMENDED PORTION:

Located in Section 22, Township 140 N, Range 28 W,

Parcel Identification Number: 46-022-2121 *

Legal Description as follows:

That part of Government Lot 2, Section 22, Township 140 North, Range 28 West, Described as follows: Commencing at the northwest corner of Government Lot 1 of said Section 22; thence south 89 degrees 56 minutes 30 seconds east 587.39 feet along the north line of said Lot 1; thence south 5 degrees 34 minutes east 1066.60 feet; thence north 65 degrees 21 minutes east 219.99 feet; thence south 7 degrees 56 minutes east 426.61 feet to the point of beginning of the tract to be described; thence south 7 degrees 56 minutes east 83 feet; thence south 77 degrees 08 minutes east 366 feet, more or less, to the shore of Little Boy Lake; thence northwesterly 100

feet, more or less, along said shore to the point on said shore which is south 76 degrees 38 minutes east from the point of beginning; thence north 76 degrees 38 minutes west 340 feet, more or less, to the point of beginning.

An easement for roadway purposes over that part of Governments Lots 1 and 2, Section 22, Township 140 North, Range 28 West, described as follow: Commencing at the northwest corner of said Lot 1; thence south 89° 56' 30" east 587.39 feet along the north line of said Lot 1; thence south 05° 34' east 421.65 feet to the point of beginning of the tract to be described; thence south 05° 34' east 575.11 feet; thence north 65° 21' east 436.30 feet; thence south 34° 11' east 236.35 feet; thence north 36° 22' east 83 feet; thence south 53° 38' east 40 feet; thence south 36° 22' west 190 feet; thence north 29° 19' west 254.76 feet; thence south 65° 21' west 183.31 feet; thence south 07° 56' east 509.61 feet; thence south 01° 52' east 94.53 feet; thence south 00° 39' west 85.09 feet; thence south 06° 22' west 92.35 feet; thence north 75° 49' west 66.62 feet; thence north 06° 22' east 80 feet; thence north 00° 39' east 80.35 feet; thence north 01° 52' west 89.58 feet; thence north 07° 56' west 486.29 feet; thence south 65° 21' west 198.70 feet to the easterly right-of-way line of County state Aid Highway 54; thence north 05° 34' west 660.52 feet along said right-of-way line; thence north 84° 26' east 45 feet along said right-of-way line to the point of beginning.

The DISTRICT is under the control and management of the Wabedo Township Board of Supervisors (BOARD). Based on the County approved design flow of the actual wastewater treatment system, the Lazy Boy Trail Subordinate Service District is a closed DISTRICT CSTS SYSTEM, meaning that no further additions of property will be added into this DISTRICT.

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. The following words shall have these meanings; "may" or "should" mean permissive and "shall" or "will" are required.

- 3.1. ADDITIVES – Product(s) added to the wastewater or to the SYSTEM with the intent to improve the performance of an individual's sewage treatment system(s).
- 3.2. BOARD - The Wabedo Township Board of Supervisors.
- 3.3. COMMON PORTION -The common wastewater collection system(s); that portion which begins at the shut-off valve at each property for the connection of each USER and thereafter includes all equipment, pumps, sewer lines and appurtenances, treatment and disposal SYSTEM portions of the DISTRICT CSTS SYSTEM which are located in a public easement, or which is located on land owned by Wabedo Township. This excludes all SYSTEM(S) components between the dwelling and property line.

- 3.4. CONTRACTOR(S) - Independent person(s), entity (entities), party (parties) contracted, by the BOARD, to administer, manage, operate, inspect, pump, repair, and enforce or maintain the DISTRICT CSTS SYSTEM.
- 3.5. CSTS - Means Community Sewage Treatment System(s).
- 3.6. DESIGNATED REGISTERED PROFESSIONAL - Means an individual who is included on the Minnesota Pollution Control Agency's ISTS professional register with specialty area endorsements that correspond to the license, which has been designated by the individual's employer as its representative for work to be done on an individual sewage treatment SYSTEM(S), and who is subject to the obligations of a license.
- 3.7. DISTRICT - The Lazy Boy Trail Subordinate Service District created under Minnesota Statutes Chapter 365A, Chapter 115.50, and Minnesota Statute Chapter 444, authorizing the powers herein.
- 3.8. "DISTRICT" CSTS - The "COMMON PORTION" of the DISTRICT CSTS SYSTEM (Community Wastewater Treatment SYSTEM which includes all equipment, pumps, sewer lines, treatment and disposal SYSTEM(S) portions, and any and all appurtenances of the SEWER SYSTEM which are located in a public easement or which are located on land owned by Wabedo Township, as well as the "PRIVATE SYSTEM(S)" portion of the DISTRICT CSTS SYSTEM to the extent that it is managed and maintained by the DISTRICT.
- 3.9. DWELLING - Means any building or place used or intended to be used by human occupants as a single-family residence and consists of one or more rooms which are arranged, designed or used for human habitation. The term "residence" shall have the same meaning as defined herein.
- 3.10. EFFLUENT BIO-FILTER - Filtering system, which is placed before a pump, or in a line, and filters particles from the effluent either within or through a wastewater line, pump station, and/or septic tank. Another term for this is "effluent screen" which means a device that filters solid materials from sewage tanks before discharge to a treatment system(s).
- 3.11. HOLDING TANK - Means a tank for storage of sewage until it can be transported to a point of treatment and disposal.
- 3.12. INSPECTOR - Party contractually employed by the BOARD which holds the necessary current licensures as a Designated Registered Professional by the MPCA and is licensed to do Inspections under an Inspector or Designer I license.
- 3.13. ISTS - Individual Sewage Treatment System(s). Means an individual sewage treatment SYSTEM(S), or parts thereof, serving a dwelling, and using sewage tanks followed by both soil treatment and disposal or using advanced treatment devices that discharge below final grade.

- 3.14. **MPCA 7080 STANDARDS** - The minimum standards promulgated by the following Agencies: Minnesota Pollution Control Agency and contained in Minnesota Rules, Chapter 7080, the Cass County Sewage and Wastewater Treatment Ordinance, Cass County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.
- 3.15. **PRIVATE PORTION OF SYSTEM** - That portion of the wastewater collection SYSTEM(S) that resides within the individual parcel and lot boundaries of the USERS in the DISTRICT CSTS SYSTEM which begins with the septic and pump tanks and which ends at the property line. This PRIVATE PORTION connects to that part called the "COMMON PORTION" portion of the DISTRICT CSTS SYSTEM and contributes effluent to the DISTRICT CSTS SYSTEM.
- 3.16. **SEPTAGE** - Means solids and liquids removed during periodic maintenance of the USER'S individual wastewater system(s), or solids and liquids that are removed from toilet waste treatment devices and/or septic tanks.
- 3.17. **SEPTIC TANK** - Means any watertight, single or double compartmented and covered receptacle (sometimes inclusive of a pump tank) designed and constructed to receive the discharge of raw 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.
- 3.18. **SEWER** - Means a system(s) that carries wastewater.
- 3.19. **ORDINANCE** - Means the rules and regulations imposed and enforced by Wabedo Township (BOARD).
- 3.20. **USER** - Means a resident, inhabitant, owner of land or dwelling that is causing or permitting the discharge of wastewater to the DISTRICT CSTS SYSTEM.

SECTION FOUR

GENERAL PROVISIONS AND CONDITIONS

- 4.1. The DISTRICT is created as an organizational, financing and management tool to operate and administrate the Community Sewage Treatment Collection SYSTEM on behalf and for the landowners (USERS) encompassed by this DISTRICT pursuant to Minnesota Statutes Chapter 365A, Chapter 115.50, and Minnesota Statute Chapter 444, authorizing the powers herein.
- 4.2. The BOARD is responsible for the management of the DISTRICT, construction oversight, operations and maintenance, repairs, system upgrades, renovations, inspections, and administration of the wastewater collection system within the

DISTRICT pursuant to the rules and standards imposed by the Minnesota Pollution Control Agency, Minnesota Rules Chapter 7080, the Cass County Sewage and Wastewater Treatment Ordinance, the Cass County Shoreland Management Ordinance, and this ORDINANCE, as amended from time to time.

- 4.3. The DISTRICT CSTS SYSTEM, as defined in Section 3, are any and all appurtenances, inclusive of treatment, disposal and secondary sites and all easements necessary, presently existing or hereinafter acquired, as are found necessary for completion of such SEWER 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.
- 4.4. PERMANENT ACCESS MAINTENANCE EASEMENT. The BOARD, its agents or CONTRACTOR(S) have the right, through a permanent access maintenance easement consistent with the terms and conditions by easements for Lazy Boy Trail (filed on the ____ day of _____, 2007), to enter in and upon private property at all times reasonable under the circumstances for the purpose of monitoring, inspecting, pumping, repairs, and replacement required on the DISTRICT CSTS SYSTEM, or any part thereof. This right of entry is in relationship to performing these tasks in the PRIVATE SYSTEM(S) PORTION area when reasonable and necessary to ensure the proper functioning and maintenance care of the SEWER SYSTEM. Such examples of maintenance would include the annual cleaning, repairs and/or emergency replacement of the tank filter and pump, control panel inspections and monitoring, checking the septic tank for sludge and scum, and needed septic tank septage maintenance and removal.
- 4.5. USERS will be billed individually for any repairs and/or replacement of portions of their PRIVATE SYSTEM(S) when found to be failing through maintenance operations. Such parts shall include, but are not limited to the following: the sewer line, pump tank, pump, bio-filter, control panel which includes the event counter, run time meter and any electronic components, and all necessary parts required to maintain said SYSTEM(S) in operating compliance.
- 4.6. Ownership, of all COMMON SYSTEM PORTION pumps, lines, mains, extensions and appurtenances, treatment and disposal sites thereto of the DISTRICT CSTS SYSTEM shall remain with the BOARD. Those parts referred to as the PRIVATE SYSTEM(S) PORTION of the DISTRICT CSTS SYSTEM are located on private property, belong to, and are under the ownership of the individual USER, but will be under the operations and management of the BOARD.
- 4.7. It is hereby declared that no USER or other parties, other than authorized personnel are allowed to use or to drive on property used by the BOARD for treatment and disposal of wastewater from the DISTRICT CSTS SYSTEM unless it is for the stated repair and/or maintenance of the wastewater treatment SYSTEM(S) or for the purposes of required inspections by County and public officials or viewing as authorized by the BOARD.
- 4.8. The BOARD and/or their duly authorized representatives, along with the invitation of the Cass County Environmental Department, the Service Management Contractor(s), and any

USERS, will annually inspect the physical portion of the DISTRICT CSTS SYSTEM, review maintenance and operation logs, and receive a yearly status report; the report will become public record for all to examine.

- 4.9. 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 DISTRICT CSTS SYSTEM. Closure of the shut-off valve at a USERS site may be initiated to protect the integrity and safety as well as public health of the USERS in the DISTRICT CSTS SYSTEM.
- 4.10. All present and future USERS within the DISTRICT CSTS SYSTEM will be subject to the applicable rules and regulations inclusive of the DISTRICT'S ORDINANCE, as amended, the MPCA Chapter 7080 rules, as amended, and Cass County's regulations for individual sewage treatment systems, as amended from time to time.

SECTION FIVE

RATES, CHARGES AND CONNECTION TO THE DISTRICT CSTS SYSTEM(S)

- 5.1. The BOARD may set such rates, fees and charges, as it deems appropriate. No such resolution setting such fees shall be adopted before a public hearing has been held thereon.
- 5.2. Notice of adoption of said rates, fees and charges by resolution, after a public hearing, shall be kept on file and open to inspection in the office of the Wabedo Township Clerk and shall be uniformly enforced.
- 5.3. All funds collected from such rates, fees and charges will remain with the DISTRICT'S funds, as dedicated fund accounts, and will be used to reduce costs allocated to the usage, repair, renovation, system(s) upgrades, and replacement of the DISTRICT CSTS SYSTEM.
- 5.4. The BOARD may, under Minnesota Statutes 366.012 and 429.101, certify each year to the Cass 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(S) of its intention to certify the charge to the Cass County Auditor. Any unpaid charges will be subject to the same penalties, interest, and other conditions provided for in the collection of regular property taxes.
- 5.5. All landowners within the DISTRICT will be required to connect to the DISTRICT CSTS SYSTEM upon completion of the COMMON PORTION. Those landowners that are exempted due to an empty parcel will be required to connect into the DISTRICT CSTS SYSTEM when said exemption is no longer valid.

SECTION SIX

DAMAGE TO DISTRICT SYSTEM(S) PROHIBITED

- 6.1. It shall be unlawful for any USER to discharge upon, in or under the ground or to any natural outlet within the service DISTRICT areas any wastewater other than to the DISTRICT CSTS SYSTEM.
- 6.2. 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 the DISTRICT'S SEWER SYSTEM by means of a sump pump, or otherwise.
- 6.3. All USERS must comply with the provisions of 7080.0065, sub. 3., Chapter 7080, Minnesota Pollution Control Agency's rules, which are incorporated herein and stated as such; "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, dry cleaning chemicals, and hair salon chemicals must not be discharged to the SYSTEM(S)".
- 6.4. It shall be unlawful for any USER to discharge liquids or solids into the wastewater of the DISTRICT CSTS SYSTEM that has concentrations or quantities that will harm the collection and treatment portions of the DISTRICT CSTS SYSTEM, endanger lives, or constitute a public health risk or nuisance, or to create any hazard in the receiving waters of the SYSTEM. Examples of such materials that are harmful include, but are not limited to the following:
 - A. Backwash from Iron Filter systems or other water treatment systems, excluding water softeners. Except as to those homes that have been issued a building permit prior to the adoption of this Ordinance, all backwash water or other flushed water shall be prohibited from being discharged to the individual septic tanks and CSTS system. Excessive iron can precipitate in the treatment or disposal system causing accelerated breakdown and associated operational and maintenance costs. Iron filter systems and other water treatment systems will need to have their backwash discharged to a secondary (onsite) location or be a non backwashing unit (such units manufactured by Culligan, U.S. Filter, or an approved equal)."
 - B. Any gasoline, antifreeze, fuel oil, latex paint, oil and/or chemical solvents, other hazardous oils, or other flammable or explosive liquids, solids or gas. 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 CSTS SYSTEM, or create a

condition deleterious to structures, appurtenances, 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(S) such as, but are not limited to, ashes, asphalt, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, and other similar items, tar, plastics, disposable diapers, wood, ground or 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.

- 6.5. The DISTRICT CSTS SYSTEM has been designed to not exceed typical household wastewater flows observed in the region. Nevertheless, should water consumption exceed flow design for the DISTRICT CSTS SYSTEM, BOARD will initiate any and all water conservation practices including but not limited to the following: prohibiting further water appliances, reduction of water usage, installation of water meters and monitoring of flows with rate changes to reduce water usage until such time as a new design can be completed to address added flows.
- 6.6. Volumes (flows) of wastewater discharged into the SYSTEM(S) will be considered to be in violation for an individual home when these monitored flows are exceeded:
 - A. Any weekly flow which exceeds 4,200 gallons which is a 600 gallon per day average
 - B. Any monthly flow which exceeds 13,500 gallons which is a 450 gallon per day average
 - C. Any quarterly flow which exceeds 30,000 gallons which is a 335 gallon per day average

The homeowner will be contacted by the BOARD when any such volumes are exceeded. The homeowner will be responsible for immediate action to reduce their flows when contacted. If the homeowner fails to promptly address the excess flows, then the BOARD may take any actions deemed necessary to protect the integrity and safety of the DISTRICT SEWER SYSTEM.

- 6.7. Within the DISTRICT, USERS will be required to shut off their main water supply when their home is not occupied for a period exceeding four (4) consecutive days. Upon written request from a USER, the Wabedo Township Clerk may grant an exception for a necessity [i.e. when a water supply cannot be shut off].
- 6.8. USERS will be required to install, repair and maintain water conserving plumbing fixtures and appliances to reduce daily water use. Therefore, the following appliances and fixtures shall be installed to promote and sustain water conservation practices to protect the integrity and long-term effectiveness of the DISTRICT'S CSTS: clothes washing machines using 25 gallons or less per load; toilets with 1.6 gallons or less water usage per flush; automatic dishwashers that use less than 5.5 gallons of water per load; shower heads with flow rates less than 2.5 gallons per minute; and faucets with flow rates of 2.2

gallons or less per minute. Please note that each of these fixture flow limits is also required per the state building code.

- 6.9. No garbage disposal will be allowed by the required permitting authorities in order that the integrity of the DISTRICT CSTS SYSTEM be protected.
- 6.10. All USERS must further comply with the provisions of Minnesota Rules, Chapter 7080.0175, subp.5, which are referenced and incorporated herein. Individual wastewater treatment SYSTEM(S) additives that contain hazardous substances must not be used in their septic tanks.

SECTION SEVEN

VIOLATION(S) ARE A MISDEMEANOR

- 7.1. Any person who willfully or negligently violates any provisions of the Minnesota Pollution Control Agency, Chapter 7080 Rules, the Cass County Sewage and Wastewater Treatment Ordinance, and/or the provisions of the ORDINANCE contained herein will be subject to notification of violation(s).
- 7.2. **ENFORCEMENT.**
This ORDINANCE shall be administered and enforced by the BOARD, or its authorized representative(s). The duly authorized representative(s) may institute appropriate action for any violation(s) of this ORDINANCE at the direction of the BOARD and through the Township Attorney as deemed necessary. Any USER or person who violates a Section, Subdivision, paragraph, or provision of this ORDINANCE when he or she performs an act or becomes a public nuisance 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 thereof, shall be subject to a misdemeanor fine not to exceed \$1000 and/or imprisonment not to exceed 90 days plus the costs of prosecution. Each day of non-compliance with any of the terms of this ORDINANCE shall be considered a separate violation and a separate criminal act.
- 7.3. **ENFORCEMENT OF ORDINANCE PROCEDURES.**
 - A. **EMERGENCY AND/OR HAZARDOUS WASTE VIOLATIONS.**
In the case where a USER knowingly violates the DISTRICT CSTS SYSTEM by discharging waste deleterious or harmful to said DISTRICT CSTS SYSTEM and causes emergency conditions to exist, the BOARD and its duly authorized representatives shall exercise their authorities to close the shut-off valve at the end of the COMMON PORTION and deny further use to offending USER of the DISTRICT CSTS SYSTEM until said violation(s) has been resolved, fines paid and repair of the DISTRICT CSTS SYSTEM have been completed.

B. WRITTEN NOTICE.

Upon a violation of this ORDINANCE or an emergency closure of shut-off valve to a USER, said USER will receive a written Notice notifying them of the facts. The notice shall be served in person or by certified or registered mail.

If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or re-certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail. A written notice shall specify the steps to be taken to correct the violation(s), and the time, not to exceed thirty days (30 days), within which the violation(s) must be corrected. If the violation(s) is not corrected within the time specified within the notice, then the BOARD may abate the violation(s) itself after conducting a hearing.

C. HEARING.

A hearing notice shall be served in the same manner as described above and shall be given at least ten days (10 days) prior to the date of the hearing before the BOARD. In order to expedite matters the BOARD may in its discretion, include notice of the aforementioned hearing in the original notice of violation(s).

D. CORRECTION OF VIOLATION.

If after conducting a hearing on the matter, the BOARD determines that the correction of the violation(s) is necessary to protect the public health, safety and welfare of the DISTRICT USERS, then the BOARD may correct the violation(s), or cause the same to occur, in any manner and using any method that it finds appropriate.

7.4. COSTS TO CORRECT VIOLATION(S).

The cost of and correction of the violation(s) shall be borne by the offending USER(s). If the BOARD undertakes with the correction of said violation(s), it shall bill the landowner and/or USER, for all cost and disbursements associated, including repairs and disposal fees, service fees and attorneys' fees. If the USER does not pay such bill, then the BOARD shall certify such unpaid amounts to Cass County to be assessed against the property and to be collected with property taxes, pursuant to 366.021 and/or 429.101.

7.5. BOARD RIGHT TO SEEK ALL AVENUES OF RELIEF.

The BOARD reserves the right to prosecute in criminal court and/or civil court for any remedies, including injunctive relief and reimbursement of all costs and disbursements, including Attorney's fees expended by the Township in enforcing of this ORDINANCE. Each right or remedy accruing to the Township under this ORDINANCE or at law is separate and distinct and may, in the Township's discretion, be exercised independently or simultaneously with any other right or remedy.

SECTION EIGHT

AMENDMENTS OR CHANGES

The BOARD may from time to time amend this ordinance. Notice of adoption of said changes by resolution, after a public hearing, shall be kept on file and open to inspection in the office of the Wabedo Township Clerk and shall be uniformly enforced.

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 Lazy Boy Trail Subordinate Service DISTRICT shall take effect and be in full force immediately following its adoption and publication by the Wabedo Town Board of Supervisors.

Passed by the Town Board of Supervisors of the Town of Wabedo, this 26th day of May, 2007.

APPROVED: May 26, 2007

WABEDO TOWNSHIP

/s/ William C. Bliss
CHAIRMAN, WABEDO TOWNSHIP

ATTEST:

/s/ Barbara Anderson
CLERK, WABEDO TOWNSHIP

**WABEDO TOWNSHIP
COUNTY OF CASS
STATE OF MINNESOTA
Public Notice**

Adoption of Ordinance 2007-05

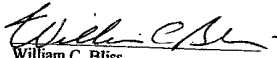
**Governing the Lazy Boy Trail Subordinate Service District
Wastewater Collection and Treatment System.**

The Board of Supervisors for the Town of Wabedo, Cass County, Minnesota, now hereby ordains that on the 26th day of May, 2007, they conducted a hearing on the "Draft" Ordinance 2007-05, Ordinance Governing the Lazy Boy Trail Subordinate Service District Wastewater Collection and Treatment System.

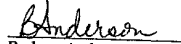
On, the 26th day of May 2007, the Wabedo Township Board of Supervisors adopted the above Ordinance. Due to the lengthy content of the revisions, a brief Summary follows:

Section One:	Authority -- Identifies the authorities used in preparation of said Ordinance.
Section Two:	Introduction -- Identifies the boundaries and establishment of the Lazy Boy Trail Subordinate Service District in Wabedo Township.
Section Three:	Definitions -- Clarifies language used in the Ordinance.
Section Four:	General Provisions and Conditions -- Identifies and clarifies the Ownership and Management of the District System.
Section Five:	Rates, Charges and Connections to the District's System -- Such fees necessary to operate and manage the District System and Landowners responsibilities for connection to the system.
Section Six:	Damage to District System Prohibited -- Identifies what is not allowed and could harm the District System.
Section Seven:	Violation(s) are a Misdemeanor -- Consequences for violation(s) of this Ordinance and District System
Section Eight:	Amendments or Changes -- Process for amendments or changes to Districts' Ordinance.
Section Nine:	Validity and Severability -- Validity of the Ordinance should a provision be declared invalid.
Section Ten:	Effective Date -- Effective date of Ordinance.

The Ordinance 2006-01, Ordinance Governing the Lazy Boy Trail Subordinate Service District Wastewater Collection and Treatment System shall take effect and be in full force immediately following its adoption and upon publication. A copy of the Ordinance can be viewed during office business hours by calling the Wabedo Township Clerk at 1-218-363-2649.


William C. Bliss
Chairman, Wabedo Township

ATTEST:


Barbara Anderson
Clerk, Wabedo Township

Published in the _____, located in _____, Minnesota, on the ____ day of _____, 2007.