

SEWER SERVICE CHARGE SYSTEM
ORDINANCE NO. 98-2
TOWN OF FAYAL, MINNESOTA

**AN ORDINANCE ESTABLISHING A SEWER SERVICE CHARGE
SYSTEM FOR THE TOWN OF FAYAL, MINNESOTA**
(As Amended by Amendment # 4, 4 September 2018)

This Ordinance provides for sewer charges to recover costs associated with:

- 1) The operation, maintenance, and equipment replacement of the Town's wastewater system.
- 2) Local capital improvement costs incurred in the construction of the wastewater collection and treatment system.

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as hereafter designated:

- Sec. 1 "Administration" — those fixed costs attributable to the Town's administration of the wastewater treatment and collection system.
- Sec. 2 "Biochemical oxygen demand or bod₅" — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter. It represents the breakdown of carbonaceous materials as distinct from nitrogenous materials.
- Sec. 3 "Town" — the area within the corporate boundaries of the Town of Fayal, Minnesota as presently established or as amended by Ordinance or other legal actions at a future time.
- Sec. 4 "Commercial user" — any place of business which discharges sanitary waste as distinct from industrial wastewater.
- Sec. 5 "Commercial wastewaters" — domestic strength wastewater emanating from a place of business as distinct from industrial wastewater.
- Sec. 6 "Debt service charge" — a charge levied on the users of and potential users of wastewater treatment and collection facilities for the cost of repaying money obtained to construct said facilities.
- Sec. 7 "Normal domestic strength wastewater" — wastewater characterized by wastes created in the preparation of foods, bathing, laundry facilities, and water carried human waste whose characteristics do not exceed 389 mg/l BOD₅ and 467 mg/l TSS, and is identified for the purpose of determining surcharge rates.

Sec. 8 “Extra strength waste” — wastewater having a BOD₅ and/or TSS greater than domestic waste as defined in Article 1, Section 7 above and not otherwise classified as an incompatible waste.

Sec. 9 “Governmental user” — users which are agencies or instrumentalities of federal, state or local government discharging normal domestic strength wastewater.

Sec. 10 “Incompatible waste” — waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals in spite of the treatment method used at the Township, creates a public nuisance or creates any hazards in the receiving waters of the wastewater treatment works.

Sec. 11 “Industrial users” or “industries” —

- a. Entities that discharge into a publicly owned wastewater treatment system, 1) liquid wastes resulting from the processes employed in industrial or manufacturing processes, or 2) liquid wastes resulting from the development of any natural resources. These are identified in the Standard Industrial Classification Manual 1972, office of management and budget, as amended and supplemented, under one of the following divisions:

Division A. Agriculture, forestry and fishing

Division B. Mining

Division D. Manufacturing

Division E. Transportation, communications, electric, gas, and sanitary sewers

Division I. Services

For the purpose of this definition, domestic waste shall be considered to have the characteristics as defined in Section 7 above.

- b. Any non-governmental user of a publicly owned treatment system which discharges wastewater into the treatment system which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals in spite of treatment, or which creates a public nuisance, or which creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Sec. 12 “Industrial wastewater” — the liquid, gaseous, and solid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions, B, D, and I manufacturers as distinct from domestic wastewater.

Sec. 13 “Institutional user” — users other than commercial, governmental, industrial or residential users, discharging primarily normal domestic strength wastewater (e.g. non-profit organizations).

Sec. 14 “Operation and maintenance” — activities required to provide for the dependable and economical functioning of the treatment system, throughout its design or useful life, whichever is longer, and at the level of performance for which the treatment system was constructed. Operation and maintenance includes replacement.

Sec. 15 “Operation and maintenance costs” — expenditures for operation and maintenance costs.

Sec. 16 “Public wastewater collection system”—the system of sanitary sewers owned, maintained, operated, and controlled by the Town of Fayal.

Sec. 17 “Replacement” — obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Sec. 18 “Replacement costs” — expenditures for replacement.

Sec. 19 “Residential user” — a user of the collection and treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

Sec. 20 “Sanitary sewer” — a sewer intended to carry only liquid and water carried wastes from residences, commercial building, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

Sec. 21 “Sewer service charge” — the total of charges for operation, maintenance, or replacement, and debt service (unless debt service is collected by special assessment).

Sec. 22 “Sewer service fund” — a fund into which income from “sewer service charges” is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment and collection. Expenditure of the “sewer service fund” will be for operation, maintenance, and replacement costs: and to retire debt incurred through capital expenditure for wastewater treatment and collection.

Sec. 23 “Shall” is mandatory; “may” is permissive.

Sec. 24 “Slug” — any discharge of water or wastewater which in concentration of any given constituent or in quantity flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 25 “Standard Industrial Classification Manual” — office of management and budget,

1972.

Sec. 26 “Suspended solids (SS) or total suspended solids (TSS)” — the total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in “standard methods for the examination of water and wastewater”, latest edition.

Sec. 27 “Toxic pollutant” — the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307 (a) of the Clean Water Act.

Sec. 28 “User charge” — a charge levied on users of a treatment system for the user's proportionate share of the cost of operation and maintenance, including replacement.

Sec. 29 “Users” — those residential, commercial, governmental, institution, and industrial establishments which are connected to the public sewer collection system.

“Potential users”- Those property owners who are not users of the public sewer collection system where the public sewer collection system is located either on their property or on public rights of way immediately adjacent to their property and one or more of the following conditions exist:

1. There is a primary structure which is located within 300' of, but is not connected to, the public sewer collection system. Any structure within 300' of the public sewer collection system which, by nature of its use, generates sewage will be required to connect to the system in accordance with Fayal Ordinance 98-1.
2. There is a primary structure which is located beyond 300' of, but is not connected to, the public sewer collection system.
3. There are no structures on the property which, by nature of use, generate sewage.

Sec. 30 “Wastewater” — the spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

Sec. 31 “Wastewater treatment system or treatment system” — an arrangement of any devices, facilities, structures, equipment, or processes owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers.

Sec. 32 “Wastewater Collection System” — Outfall sewers, collection sewers, pumping, power, piping, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works including land which is an integral part of the collection and transmission process in the Town of Fayal or is used for ultimate disposal of residues resulting from such treatment.

ARTICLE II
ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM

- Sec. 1 The Town of Fayal, Minnesota hereby establishes a sewer service charge system whereby all revenue collected from users and potential users of the wastewater treatment system will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in construction of the wastewater collection system (unless debt service is collected by special assessment).
- Sec. 2 Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater flow and loading from all users.
- Sec. 3 Each user and potential user shall pay debt service charges to retire local capital costs as determined by the Town Board.
- Sec. 4 Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a “sewer service charge system” developed according to the provisions of this Ordinance. The sewer service charge system developed shall be adopted upon enactment of this Ordinance, shall be published in the local newspaper, and shall be effective upon publication. Subsequent changes in sewer service rates and charges shall be adopted by Board resolution and shall be published in the local newspaper.
- Sec. 5 Revenues collected for sewer service shall be deposited in a separate fund known as “the sewer service fund.” Income from revenues collected will be expended to offset the cost of operation, maintenance, and equipment replacement for the facility and to retire the debt for capital expenditure.
- Sec. 6 Sewer service charges and the sewer service fund will be administered in accordance with the provisions of Article V of this Ordinance.

ARTICLE III
DETERMINATION OF SEWER SERVICE CHARGES

- Sec. 1 Users of the Town of Fayal, Minnesota wastewater treatment works shall be identified as belonging to one of the following user classes:
- Residential
 - Commercial
 - Industrial
 - Institutional
 - Governmental

The allocation of these users to these categories for the purpose of assessing user charges

and debt service charges shall be the responsibility of the Town Clerk. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

- Sec. 2 The rates assessed residential users and those users of other classes who discharge “normal domestic strength wastewater” shall be determined on the basis of wastewater volume only. Those “industrial users” who discharge “normal domestic strength wastewater” only, can be classified as “commercial users” for the purpose of rate determination.
- Sec. 3 The user charges assessed residential users and those users of other classes discharging “normal domestic strength wastewater” as described in Sec. 2 above, shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

Residential users: billable wastewater volume for residential users shall be calculated on the basis of estimated waste water usage. The Town may require residential users to install water meters for the purpose of determining billable wastewater volume.

Non-residential users: the billable wastewater volume of non-residential users may be determined in the same manner as for residential users with the following exception. If the Town Board determines, through means established by ordinance, that there are significant seasonal variations in the metered water usage of non-residential users; that is, variations resulting in a proportionate increase or decrease in wastewater volume; billable wastewater volume shall be:

- 1) calculated on the basis of quarterly metered water usage as recorded throughout the year,
- 2) calculated on the basis of wastewater flow meters.

The Town may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

- Sec. 4 The basic user charges assessed all users shall be established equally per equivalent user hook up.
- Sec. 5 The sewer service charge shall consist of a user charge for operation, maintenance, and replacement; of the wastewater collection and treatment systems and a charge for debt service on the system (unless debt service is collected by special assessment). These charges will be determined as follows:

- a. User charge per user (referred to as Uc) - The user charge per user will be computed in two parts, one being a basic user charge (Ubc) and the other part a debt charge (Udc). The sum of these two charges will comprise the user charge. This formula can be shown as follows:

$$Uc = Ubc + Udc$$

Where:

- Uc = Monthly User Charge
- Ubc = Monthly basic user charge
- Udc = Monthly debt charge (if debt service is not collected by special assessment)

- b. Basic User Charge-, (referred to as Ubc) - The basic user charge will be an amount equal to the total costs of operation, maintenance, and replacement costs associated with the wastewater collection system (referred to a Tormc) and the total costs of operation, maintenance, and replacement costs associated with the wastewater treatment system (referred to a Tormt). This total basic user charge will then be distributed equally among all users of the system (referred to as Nu). This formula can be shown as follows:

$$\text{Ubc} = \frac{\text{Tormc} + \text{Tormt}}{\text{Nu}}$$

Where:

- Ubc = Monthly basic User Charge
- Tormc = Monthly total OM&R collection system costs
- Tormt = Monthly total OM&R treatment system costs
- NU = Total Number of Users

- c. Debt user charge (referred to as Udc) - The debt user charge will be an amount equal to the amount of debt attributed to the waste water system (referred to as Dc). This total debt user charge will then be distributed equally among all users and potential users of the system (referred to as Nud). This formula can be shown as follows:

$$U_{dc} = \frac{D_c}{N_{ud}}$$

Where: Udc = Debt User Charge
Dc = Amount of Debt attributed to the wastewater system
NU = Total Number of Users and Potential Users

The method of development for the sewer service charge is attached as Appendix A. Appendix A shall be reviewed annually as provided for in Article V of this Ordinance.

- d. At the option of the Town Board, special assessments may be used to retire construction and acquisition debt. Assessments shall be levied against all users and potential users. Property that is subdivided after determination of assessments and which creates additional users or potential users will be assessed a connection fee in lieu of a special assessment. The connection fee shall be in an amount as determined from time to time by the Town Board.

- Sec. 6 The Town may, at its discretion, require non-residential users to install wastewater samplers for the purpose of determining wastewater volume and loading. When so required, such samplers shall be of a type approved by the Town and located at a sufficient number of sites to permit determination of wastewater characteristics.

The measurement of such wastes shall be conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the Town as provided for in Ordinance No. 98-1, "an Ordinance establishing sewer use regulations for the Town of Fayal."

- Sec. 7 The sewer service charges established in this Ordinance shall not prevent either the assessment of additional charges to users who discharge wastes with concentrations greater than "normal domestic strength" or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:
- a. No user is charged at a rate less than that of "normal domestic strength wastewater."
 - b. The user pays operation, maintenance, and replacement costs in proportion to the user's contribution of wastewater flow and loading to the treatment plant.
 - c. The measurements of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the Town Board as provided for in Ordinance No. 98-1 "an Ordinance establishing sewer use regulations for the Town of Fayal."
 - d. The Town's NPDES permit and sewer use regulations are not violated.
 - e. A study of unit costs of treatment processes attributable to flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to users discharging wastes of greater than "normal domestic strength" or wastes of unusual character.

ARTICLE IV

SEWER SERVICE FUND

- Sec. 1 The Town of Fayal, Minnesota hereby establishes a "sewer service fund" as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees, and assessments intended to retire construction debt.

The Town also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- a. Operation and maintenance account
- b. Equipment replacement account
- c. Future treatment system debt retirement account

Sec. 2 All revenue generated by the sewer service charge system, and all other income pertinent to the treatment and collection systems, including taxes and special assessments dedicated to retire construction debt, shall be held by the Clerk separate and apart from all other funds of the Town. Funds received by the sewer service fund shall be transferred to the accounts established in Sec. 1 above in accordance with state and federal regulations and the provisions of this Ordinance.

Sec. 3 Revenue generated by the sewer service charge system sufficient to insure adequate replacement throughout the design or useful life of the wastewater facility shall be held separate and apart in the "equipment replacement account" and dedicated to affecting replacement costs. Interest income generated by the "equipment replacement account" shall remain in the "equipment replacement account".

Sec. 4 Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the "operation and maintenance account."

ARTICLE V **ADMINISTRATION**

The sewer service charge system and sewer service fund shall be administered according to the following provisions:

Sec. 1 The Town Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement, and debt retirement costs of the treatment facility, and shall furnish the Town Board with a report of such costs annually in March.

The Town Board shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Board will also determine whether the user charges are distributed proportionately to each user in accordance with Article II, Section 2 of this Ordinance and Section 204 (b) (2) (A) of the Federal Water Pollution Control Act, as amended.

The Town shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Sec. 2 In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance, and replacement.

Sec. 3 In accordance with federal and state requirements, the Town Clerk shall be responsible

for maintaining all records necessary to document compliance with the sewer service charge system adopted.

- Sec. 4 Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. At that time the Town shall notify the delinquent user and owner, in the case of rented property, in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding until the delinquent balance is certified to the County for collection with real estate taxes.
- Sec. 5 The owner of the premises shall be liable to pay for the service to such premises, and the service is furnished to the premises by the Town only upon condition that the owner of the premises is liable therefore to the Town.
- Sec. 6 Any additional costs caused by discharges to the treatment works of toxic substances or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, fines or penalties levied by regulatory agencies, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the Town.

ARTICLE VI **COLLECTION**

- Sec. 1 Pursuant to Minn. Stat. §444.075 subd. 3e or its successor law, each and every sewer service charge, including any penalties charged or levied by and pursuant to this Ordinance, is hereby made a lien upon the lot or premises served, and all such charges which are on July 21 of each year past due and delinquent, may be certified to the Auditor of St. Louis County, Minnesota as unpaid charges against the real estate. The time for notice to the auditor will be on or before October 15 as required by Minn. Stat. § 366.012 or its successor law. Notice of intent to apply the charges against the premises served shall be mailed to the property owner by first class mail on or before September 15 or as otherwise required by law. There is further imposed an administrative fee of \$200 for costs associated with the certification which shall be added to each charge against the real estate served.
- Sec. 2 In addition to the assessment process in Section 1, the Town may, in its discretion, pursue other forms of collection which may include demand letters, collection agents, and/or civil suit to collect the amounts that are due and owing. The Town shall be entitled to recover all attorney fees and all costs of collection reasonably incurred.

ARTICLE VII
SEVERABILITY

Sec. 1 If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

Sec. 2 The sewer service charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204 (b) (1) (A) of the Act and Federal Regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

ARTICLE VIII
EFFECTUATION

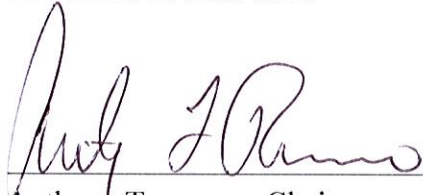
The Revision and amendment to Ordinance 98-2 shall be in full force and take effect from and after its passage and publication as provided by law.

Supervisor Ziegler moved the adoption of the foregoing ordinance as revised, seconded by Supervisor Ochis and it was adopted by the Town Board of Fayal Township, Minnesota on the 4 day of September 2018 on the following vote:

AYES: A. Tammaro, D. Ochis, R. Sather, P. Ziegler

NAYS: None

ABSENT: L. Branville.


Anthony Tammaro, Chairman


Heidi Coldagelli, Clerk/Treasurer

Amendment #4 to Ordinance 98-2 with the summary of revisions was published according to law in the Mesabi Daily News on the 13th day of September 2018.


Heidi M Coldagelli, Clerk, Town of Fayal

Sewer Service Charge System

Appendix A

Town of Fayal, Minnesota

The Sewer Service Charge System for the Town of Fayal is developed in accordance with the provisions of Ordinance # 98-2 to insure the following:

4. Pollution Abatement in accordance with Township NPDES Permit.
5. Allocation of OM&R costs of wastewater treatment in proportion to users contribution of waste water flows and loadings.
6. Generation of sufficient revenues to effectively operate, maintain, and replace the treatment facilities.
7. Capital cost recovery for the treatment facilities and rate determination for users.

The Sewer Service Charge System (SSCS) describes and demonstrates the manner in which the Township will distribute the costs of operation, maintenance, and replacement.

USER CHARGE SYSTEM

With the construction and operation of the new sanitary sewer collection system, the following is the User Charge System (Uc) for the ongoing operation and maintenance of the system. When constructing a project of this nature the impact to the users must be considered. The costs to the user must reflect the costs of owning and operating the system. Costs of such operation, maintenance and replacement are components of the user charge system.

Each User will be charged for OM&R according to the number of Equivalent Residential Units (ERU), with no limit on the amount of water discharged to the treatment facilities. This method is necessary because most users obtain their water supply from private wells. The waste water volume of one ERU is set equal to 250 gallons per day of Normal Domestic Strength Waste (NDSW) from a residential connection.

Non-residential users are assigned ERU's according to procedure based on estimated or measured use, utilizing the best available public information to arrive at such estimates. Users are then charged for OM&R according to the number of ERU's they have been assigned. Additionally, where discharges are greater than Normal Domestic Strength Waste (NDSW), users will pay a surcharge in proportion to loadings that exceed NDSW.

No user, residential or non-residential, will be assigned an ERU of less than one (1) and no user shall be charged at a rate less than that for NDSW (Number of Users (Nu) shall be equal to the number of ERU.

FIRST YEAR OPERATION

First Year - Operational Expenses

Basic User Charge (Ubc)

$$\text{Ubc} = \frac{\text{Tormc} + \text{Tormt}}{\text{Nu}}$$

Collection System (Tormc)	\$ 99,063.00
Treatment System (Tormt)	\$ 103,437.00
Number of Users (Nu)	675

$$\text{Ubc} = \frac{\$ 99,063 + \$ 103,437}{675} = \$ 300.00 / \text{yr.} = \$ 25.00 / \text{month}$$

Debt User Charge (Udc)

$$\text{Udc} = \frac{\text{Dc}}{\text{Nud}}$$

Number of Users and potential users (Nud)	675
Debt	\$ 0.00

$$\text{Udc} = \frac{\$ 0}{675} = \$ 0.00 / \text{yr.} = \$ 0.00 / \text{mo.}$$

Debt Service will be initially collected by way of special assessment.

User Charge (Uc)

$$\text{Uc} = \text{Ubc} + \text{Udc}$$

Basic User Charge	\$ 25.00 / month
Debt User Charge (Udc)	\$ 0.00 / month

$$\text{Uc} = \$ 25 + \$ 0 = \$ 25.00 / \text{month}$$

**TOWN OF FAYAL
ST. LOUIS COUNTY, MINNESOTA
SUMMARY OF ORDINANCE NO. 98-2 AMENDMENT #4**

**AN ORDINANCE ESTABLISHING SEWER SERVICE CHARGE SYSTEM
FOR THE TOWN OF FAYAL, MINNESOTA**

ORDINANCE CHANGE

The Town Board of Fayal has adopted an amendment to the Sewer Service Charge System Ordinance 98-2. This Ordinance provides for sewer charges to recover costs associated with:

- 1) The operation, maintenance, and equipment replacement of the Town's wastewater system.
- 2) Local capital improvement costs incurred in the construction of the wastewater collection and treatment system.

NOTICE

By action of the Town Board, the following summary of Ordinance No. 98-2 Amendment #4 for the Town of Fayal has been prepared for the purposes of publication. The Ordinance in its entirety, as well as other documentation can be review at the office of the Fayal Township Clerk, 4375 Shady Lane, Eveleth, MN 55734 during regular office hours.

ORDINANCE SUMMARY CHANGES

1. Article V, Sec. 4 is hereby **revised** to read as follows:

**ARTICLE V
ADMINISTRATION**

Sec. 4 Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. At that time the Town shall notify the delinquent user and owner, in the case of rented property, in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding until the delinquent balance is certified to the County for collection with real estate taxes.

2. Article VI, Sec. 1 is hereby **revised** to read as follows:

**ARTICLE VI
COLLECTION**

Sec. 1 Pursuant to Minn. Stat. §444.075 subd. 3e or its successor law, each and every sewer service charge, including any penalties charged or levied by and pursuant to this Ordinance, is hereby made a lien upon the lot

or premises served, and all such charges which are on July 21 of each year past due and delinquent, may be certified to the Auditor of St. Louis County, Minnesota as unpaid charges against the real estate. The time for notice to the auditor will be on or before October 15 as required by Minn. Stat. § 366.012 or its successor law. Notice of intent to apply the charges against the premises served shall be mailed to the property owner by first class mail on or before September 15 or as otherwise required by law. There is further imposed an administrative fee of \$200 for costs associated with the certification which shall be added to each charge against the real estate served.

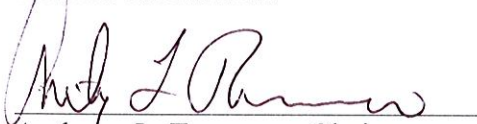
The text of this ordinance summary was approved by the Fayal Town Board on September 4th, 2018 based on its findings that the summary informs the public of the intent and effect of the ordinance.

Supervisor Ziegler moved the adoption of the foregoing summary ordinance, supported by Supervisor Ochis and was adopted this 4th day of September, 2018 by the following vote:

Ayes: A. Tammaro, D. Ochis, R. Sather, P. Ziegler

Nays: None

Absent: L. Branville


Anthony L. Tammaro, Chairman


Heidi M. Coldagelli, Clerk

Published in the Mesabi Daily News on the 13th day of September 2018

AFFIDAVIT OF PUBLICATION
[FORM Rev. 6/15]

STATE OF MINNESOTA)

) ss.

COUNTY OF ST. LOUIS)

Bonita Altobelli being first duly sworn, on oath states as follows:

1. I am the publisher of the *Mesabi Daily News*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

Thursday, September 13, 2018

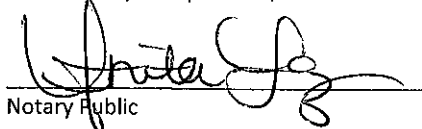
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$9.97 per column inch for the first publication; \$7.48 per column inch for any subsequent publications.

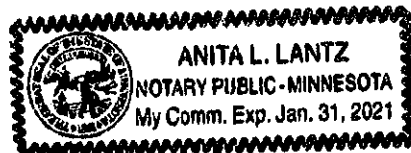
5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in St. Louis County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.


Bonita Altobelli

Subscribed and sworn to before me on
this 13th day of September, 2018.


Notary Public



**TOWN OF FAYAL
ST. LOUIS COUNTY, MINNESOTA
SUMMARY OF ORDINANCE NO. 98-2
AMENDMENT #4
AN ORDINANCE ESTABLISHING
SEWER SERVICE CHARGE SYSTEM
FOR THE TOWN OF
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NOTICE

By action of the Town Board, the following summary of Ordinance No. 98-2 Amendment #4 for the Town of Fayal has been prepared for the purposes of publication. The Ordinance in its entirety, as well as other documentation can be reviewed at the office of the Fayal Township Clerk, 4375 Shady Lane, Eveleth, MN 55734 during regular office hours.

ORDINANCE SUMMARY CHANGES

1. Article V, Sec. 4 is hereby revised to read as follows:

ARTICLE V

ADMINISTRATION

Sec. 4 Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due on the 20th of the month. Any bill not paid in full by the due date will be considered delinquent. At that time the Town shall notify the delinquent user and owner, in the case of rented property, in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased the same 10% for every month the bill is outstanding until the delinquent balance is certified to the County for collection with real estate taxes.

2. Article VI, Sec. 1 is hereby revised to read as follows:

ARTICLE VI

COLLECTION

Sec. 1 Pursuant to Minn. Stat. §444.075 subd. 3e or its successor law, each and every sewer service charge, including any penalties charged or levied by and pursuant to this Ordinance, is hereby made a lien upon the lot or premises served, and all such charges which are on July 21 of each

year past due and delinquent, may be certified to the Auditor of St. Louis County, Minnesota as unpaid charges against the real estate. The time for notice to the auditor will be on or before October 15 as required by Minn. Stat. § 366.012 or its successor law. Notice of intent to apply the charges against the premises served shall be mailed to the property owner by first class mail on or before September 15 or as otherwise required by law. There is further imposed an administrative fee of \$200 for costs associated with the certification which shall be added to each charge against the real estate served.

The text of this ordinance summary was approved by the Fayal Town Board on September 4th, 2018 based on its findings that the summary informs the public of the intent and effect of the ordinance.

Supervisor Ziegler moved the adoption of the foregoing summary ordinance, supported by Supervisor Ochis and was adopted this 4th day of September, 2018 by the following vote:

Ayes: A. Tammaro, D. Ochis, R. Sather, P. Ziegler

Nays: None

Absent: L. Brannville

/s/Anthony L. Tammaro, Chairman
/s/Heldi M. Coldagalli, Clerk

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