

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 464

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES
CHAPTER III, SECTION 305 PUBLIC SEWERS, INDUSTRIAL WASTE AND 310
PROHIBITING STORM WATER DISPOSAL AND CHAPTER VI, SECTION 609 SEWER
SERVICE CHARGE AND SECTION 611 SEWER USE REGULATIONS

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, FEES, CHARGES and RATES be amended:

SECTION 1: The existing Section 305.14 Bill, Penalties is repealed, substituting therefore the following Section 305:14 to read as follows:

Subd. 1. Billing Practice. Industrial waste charges provided for in this ordinance shall be included as a separate item on the regular bill for water and shall be paid monthly in accordance with the existing practices. Charges shall be paid at the same time that the water charges of the person become due and payment for water services shall not be accepted without payment also of the sewer service charge.

Subd. 2. Penalty for Failure to Pay Bills. Failure to pay monthly bills for the established sewer charge for industrial waste when due or repeated discharge of prohibited waste to the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the City of Foley after notice and hearing thereon and the same penalties and charges now or hereafter provided for by the ordinances of the City of Foley for failure to pay the bill for water service when due shall be applicable in like manner in case of failure to pay the established charge for industrial waste discharged to the sanitary sewer mains as established in Section 305:12.

SECTION 2: The existing Section 310.34 Surcharge is repealed, substituting therefore the following Section 310.34 to read as follows:

A surcharge of seventy-five (\$75.00) dollars per month shall be added to every sewer bill mailed after August 31, 2014 to property owners who have not obtained a property inspection by that date until proper certification of inspection is provided. A surcharge of seventy-five (\$75.00) dollars per month shall be added to every sewer bill mailed after June 30, 2016 to property owners who are not in compliance with this Section 310:16 of this ordinance as of that date. This surcharge shall be added every month to be included in the monthly utility bills until compliance is met.

Subd. 1. In addition to the \$75.00 per month surcharge, a property owner or other person who is not in compliance with this Section may be mailed, by regular mail, with a notice that such violation shall cease and desist within a time limit provided by the City Council. If such violation does not cease by the established time limit, the owner of the property or other person violating this Section 310 shall be guilty of a misdemeanor. The imposition of such fine shall in no way limit the City's right to seek an injunction in District Court enjoining the continued discharge and a court order requiring the property owner to disconnect the nonconforming connection to the sanitary sewer system.

Subd. 2. Each such charge is hereby made a lien upon the premises served. All such charges which are said to be payable immediately and are not paid shall be considered past due, and when authorized by resolution of the Council, shall be certified by the City Administrator of the City of Foley to the Benton County Auditor, for collection along with taxes.

Subd. 3. Properties that are vacant due to foreclosure, rehabilitation, or other distressed situation, present unique circumstances. Vacant properties where City water service has been turned off shall be exempt from the surcharge while water service is off. Upon reactivating water service, all such properties shall be subject to all terms of this ordinance, including the imposition of a surcharge.

SECTION 3: The existing Section 609.00 Article III A, Section 3 is repealed, substituting therefore the following Section 609:00 Article III A, Section 3 to read as follows:

The charges assessed residential users and those users of other classes discharging "Normal Domestic Strength Waste water" shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

- A. Residential Users.
Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per monthly billable wastewater volume shall be equal to monthly metered water usage.
The City requires residential users to install water meters.
- B. Non-Residential Users.
Billable wastewater volume for non-residential users shall be calculated on the basis of metered water usage. The per monthly billable wastewater volume shall be equal to the monthly metered water usage.
The City requires non-residential users to install water meters.

SECTION 4: The existing Section 611.00 Article VIII, Section 1 is repealed, substituting therefore the following Section 611:00 Article VIII, Section 1 to reach as follows:

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Section 610:00 – Sewer Rates and Charges.

PASSED AND ADOPTED by the City Council of the City of Foley this 5th day of April, 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator