

**LAKETOWN TOWNSHIP
CARVER COUNTY, MINNESOTA**

ORDINANCE NO. 2020-01

**AN ORDINANCE REQUIRING CONNECTION TO PUBLIC UTILITIES AND
PROVIDING FOR THE COLLECTION OF SEWER CHARGES**

The Town Board for Laketown Township, Carver County, Minnesota, hereby ordains as follows:

Section 1. Definitions.

For purposes of this ordinance, the following terms and phrases have the meanings indicated.

1.1 Publicly Owned Sewer System means any sewage collection system owned and operated by Laketown Township.

1.2 The Metro Sewer system is a system of sewer mains and pumps owned and operated by the Township that conveys sewage (without the use of septic tanks) directly to the network of sewer mains and treatment plants operated by the Metropolitan Council.

1.3 “201 Sewer System” means sewage collection systems which were constructed with State and Federal grant assistance, and are maintained by and located within Laketown Township.

1.4 Private Septic System means any privately owned and operated system designed for the treatment and disposal of wastewater.

Section 2. Connection to Public Utilities Required.

2.1. When a publicly owned sewer system is constructed and made available for use by Township residents, properties abutting such system shall be required to connect to the system subject to and consistent with the provisions of this ordinance. The feasibility of any connection shall be determined by the Town Board in consultation with the Township Engineer.

2.2. “201 Sewer Systems” Excluded. Upon the effective date of this Ordinance there shall be no new connections to a “201 Sewer System” within Laketown Township unless the Township Engineer determines that the 201 system to which the property would be connected to has sufficient available capacity for the proposed new connection. The homeowner requesting connection shall be responsible for the cost of such Engineer review.

2.3. No connection shall be made to a publicly owned sewer system without first obtaining a permit from the Township and paying any applicable fee for such license as may be set by resolution by the Town Board. Connection shall be made only by a plumber licensed by the State of Minnesota. No connection shall be made to such publicly-owned sewer system unless the Township Engineer determines that the 201 system to which the property would be connected to has sufficient available capacity for the proposed new connection. The homeowner requesting connection shall be responsible for the cost of such Engineer review.

2.4. The owner of a property shall provide a separate and independent building sewer line and a separate connection to the publicly owned sewer system shall be provided for every building connected to such system.

Section 3. Failing Systems and Imminent Health Threats; Connection Required.

When a private septic system is determined to be either a failing system or pose an imminent health threat as defined by Minnesota Rules Chapter 7080, the same as may be amended from time to time, and connection to a publicly owned sewer system is determined to be feasible, then the Town Board may order connection to the public system within a reasonable time. Both feasibility and reasonableness shall be determined by the Town Board.

Section 4. Sewer Charges Used to Arrive at Rates for Sewer Systems.

4.1. The Township shall determine all rates and charges for use of the sewer system by the public as well as all methods of accounting for and collection of said charges. Specific rates and charges to be collected by the Township may be set by Town Board Resolution, which shall be reviewed at least annually and may be changed from time to time when the Town Board deems it necessary or prudent to do so.

4.2. The Township shall establish separate sewer funds for the 201 Sewer System and the Metro Sewer System and the rates for each system may differ depending upon the Township’s cost to provide service to each

respective system. All rates collected from 201 Sewer System users shall be deposited in the 201 Sewer System fund and all rates collected from Metro Sewer System users shall be deposited in the Metro Sewer System fund.

4.3. Costs used to arrive at sewer rate charges shall include all costs incurred by the Township in providing sewer service to such system, including but not limited to:

- A. The Township's costs to maintain the sewer system;
- B. An allowance for supplies, equipment and facility acquisition and replacement;
- C. Administrative costs for billing, collection and support of the operations;
- D. Sewage treatment or conveyancing costs charged by other municipalities or the Metropolitan Council;
- E. Wages and benefits of employees operating and maintaining the sewer systems;
- F. Costs incurred in inspecting the sewer systems;
- G. Professional fees (such as engineering and legal fees) incurred in the operation or improvement of the sewer systems;
- H. Amounts paid to outside contractors to maintain, repair or replace portions of the sewer system;
- I. Any debt service incurred in the operation, maintenance or construction of the publicly owned sewer system; and
- J. Projects and programs operated by Township to ensure quality of its wastewater systems and procedures.

4.4. Sewer rates may be based upon a fixed charge per structure.

4.5. Sewer billings may be issued monthly, bi-monthly or quarterly, and shall be due at such time interval as stated on the billing.

Section 5. Collection of Sewer Charges.

5.1 Responsibility For Charges: All charges authorized by this chapter shall be imposed against the owner of the premises or against the owner and occupant, jointly and severally, if the premises is not owner-occupied. The owner shall be responsible for monitoring and shall be liable for sewer service supplied to the owner's property, whether the owner is occupying the property or not, and all charges shall be a lien upon the property until

paid. All charges shall be due and payable as provided in this chapter or as provided by separate resolution of the Town Board or by administrative billing statement, if not provided in this section. Any unpaid charges shall constitute a lien against the premises from and after the date they were due and unpaid and shall be certified to the County auditor for collection with Real Estate Taxes, which shall be in addition to any other remedies available to the City.

5.2 Delinquent Accounts: Delinquent accounts shall be certified by the Town Clerk who shall periodically prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Town Board for adoption and certification to the Carver County Auditor for collection along with taxes pursuant to Minn. Stat. § 444.075. Such action is optional and may be subsequent or in addition to taking other legal action to collect delinquent accounts.

Section 6. Repealer.

This ordinance shall repeal all prior inconsistent ordinance provisions and be in effect upon its passage and publication as required by law.

ADOPTED this 27 day of July, 2020, by the Board of Supervisors of Laketown Township.

Chair, Michael Klingelhutz

ATTEST:

Clerk, Melissa Lano