

**IDA TOWNSHIP ORDINANCE
Number 07-01**

AN ORDINANCE ESTABLISHING A CHARGE FOR THE CONNECTION OF CERTAIN BUILDING SEWERS TO THE PUBLIC SANITARY SEWER SYSTEM WITHIN IDA TOWNSHIP AND AUTHORIZING CARLOS TOWNSHIP PROPERTIES TO CONNECT TO THE IDA TOWNSHIP SEWER SYSTEM

WHEREAS, the Ida Township Board believes that in the interest of equity and to pay current debt it is necessary to establish a connection charge for future building sewers; and

WHEREAS, the Agreement between Ida Township and the State of Minnesota requires a method of cost recovery;

WHEREAS, the Ida Township Board believes it necessary to pass a connection charge ordinance when it passes upon special assessments on the Ida Township Sanitary Sewer Project; and

WHEREAS, **LANDOWNERS** in Carlos Township have requested permission to connect to the Ida Township Sanitary Sewer System.

NOW THEREFORE, BE IT ORDAINED by the Ida Township Board of Supervisors as follows:

SECTION I: CONNECTION CHARGE

In addition to all other charges for connecting with the public sanitary sewer system that include inspection and connection, street opening fees, and permit fees established by other authorities, no sanitary sewer connection permit shall be issued, nor shall any service line be installed or connection made, with or into the public sanitary sewer within Ida Township, either directly or indirectly from any lot, tract, or parcel of land unless the Ida Township Clerk can certify that one of the following provisions have been met:

1. A full assessment has been levied for construction costs.
2. Proceedings for the levying of such assessment or assessments have been or will be commenced in due course.
3. The cost of construction for said sewer has been paid by the developer or builder platting said lot, tract, or parcel of land (collectively, "lot"), and the existing

sanitary sewer is not adjacent or abutting this land. This does not apply to lots or tracts served by public sewer installed by Ida Township.

If such lot being served by sanitary sewer has not been fully assessed for the cost of construction of said sewer, or if a new use of this stub is planned which would have originally resulted in a higher assessment figure, a connection charge shall result in accordance with Section II.

SECTION II: CONNECTION CHARGE PROCEDURE

Should a connection charge be required as outlined in Section I, the connection charge shall be levied before a permit to connect is issued. The amount of the connection charge shall be based and calculated in the same manner as though it were part of the original project assessment. That amount is \$8,400.00 per residential lot.

This connection charge shall apply to a lot which was not fully assessed because title to that lot and an adjacent lot was held by the same owner at the time of the original assessment and the owner of the lot applies for a sanitary sewer connection permit for the lot.

SECTION III: PAYMENT OF CONNECTION CHARGES BY INSTALLMENTS

Upon written request by the owner, the connection charge may be paid in equal annual installments through 2022, in the same manner that is provided for payment of special assessments by Minnesota Statutes, Section 429.061 (except that notice and hearing shall not be required), together with interest on the unpaid balance as of January 1 of each year, calculated at the rate of 3% per annum from the date of adoption of the assessment resolution. Said charge shall be a lien upon the premises connected.

By no later than October 15 of each year the Township Clerk shall prepare a roll showing the new connection charge to be certified to the Douglas County Auditor for collection. The connection charge shall be extended through 2022. The first installment shall be payable the first Monday in January next following the preparation of the roll.

SECTION IV: SINKING FUNDS

Any sums thus received by Ida Township shall be deposited or paid into the Sewer Access Charge (SAC) fund to be used for sewer related expenses or future sewer system capital improvement costs.

SECTION V: SERVICE STUB INSTALLATION

Properties not furnished with a sanitary sewer service stub, or properties whose owners paid for additional stubs at their own cost, will have the connection charge reduced by that payment. Properties not furnished with a sanitary sewer service stub shall have the connection charge reduced in accordance with the following schedule:

- A. Dewatering - applies to service stubs 2 or more feet below the average water table.

Service Stub – 2 – 4 feet of water above stub	\$ 900.00
Service Stub – 4 – 6 feet of water above stub	\$ 1100.00
Service Stub – 6 – 8 feet of water above stub	\$ 1300.00
Service Stub – 8 or more feet of water above stub	\$ 1500.00

- B. Bituminous Surfacing - \$2.00 per square foot
- C. Distance and Dept of Service Stub Installation

0-8 feet deep	\$50 plus \$6 per foot
8-10 feet deep	\$75 plus \$7 per foot
10-12 feet deep	\$100 plus \$8 per foot
12-14 feet deep	\$125 plus \$10 per foot
> 14 feet deep	\$200 plus \$11 per foot

The only consideration for the installation of the service stub will be the reduction of the connection charge. The reduction in the connection charge will not occur until the connection charge is levied. This reduction shall be in accordance with the schedule in place at the time the service stub was installed and shall not exceed the amount of the original assessment.

When two service stubs share the same trench, reduction for distance and depth of the service stub installation shall be increased by 50% of the reduction that would occur if only one stub were installed in the trench. The total reduction in the connection charge shall apply equally to the two parcels receiving the service stubs.

SECTION VI: SEWER ACCESS CHARGE

The Sewer Access Charge shall apply whenever public sanitary sewer is extended from existing township public sewer. The SAC shall be paid in full prior to ALASD approval of the private sanitary sewer connection permit. All SAC revenue shall be placed into a fund in accordance with Section IV.

The SAC shall be \$2,500.00 for each lot or unit to be served.

SECTION VII: CARLOS TOWNSHIP

1. Ida Township Board will consider each application for connection, whether involving Ida Township property or Carlos Township property, individually and on a first-come/first-serve basis.

2. Consideration of applications for connection of Carlos Township property shall be limited to planned developments or individually owned properties having their main ingress or egress off of County State Aid Highway Number 34.

3. The subject property of the proposed sewer connection in Carlos Township shall be annexed to ALASD prior to application for connection.

4. Any planned development located in Carlos Township shall have the preliminary approval of Carlos Township before the Ida Town Board shall consider the application for connection.

5. The proposed connection shall be approved by ALASD, maintained by ALASD, and any liabilities associated with the connection, structure, and on-going maintenance shall be included for coverage by the ALASD general liability coverage, holding the Township of Ida harmless and indemnifying the Township of Ida from all losses and expenses incurred as a result of any claim, demand, action, or cause of action.

6. Total connections from Carlos Township properties shall not exceed recommended sewage intake as determined by the Ida Town Board with the advice of the Ida Township Engineer and acceptable to ALASD, presently projected to be 200 units. One unit shall equal 200 gallons of sewage disposal per day.

7. A \$2,500.00 sewer access charge (SAC) per unit shall be paid to Ida Township before a permit shall be granted to connect a lot within a planned development located in Carlos Township to the Ida Lake sewer system.

8. An \$8,400.00 SAC shall be paid to Ida Township before a permit shall be granted to connect a single residential lot located in Carlos Township to the Ida Lake sewer system.

9. An \$8,400.00 SAC shall be paid to Ida Township before a permit shall be granted to connect a commercial lot located in Carlos Township to the Ida Lake sewer system, together with an additional \$2,500.00 SAC for each projected unit or fraction of a unit, whichever is greater, in excess of the first unit of 200 gallons of sewage disposal per day; and the landowner must agree in writing, in recordable form, to be binding upon all successors in title, to the following:

a. The landowner shall give notice to the Ida Town Board at the time of filing any building permit application with Douglas County, or as soon thereafter as possible, which may increase sewage disposal into the Ida Lake sewer system from the involved property. The application must be approved by the Ida Town Board before County approval of the application will be deemed effective as to the property.

b. Building permits shall not be granted if the anticipated sewage disposal from the proposed structure creates sewage disposal into the Ida Lake sewer system in excess of the limitations set forth in paragraph six (6) herein.

c. Prior to issuance of the requested building permit, the landowner shall pay Ida Township a SAC of \$2,500.00 for each unit or fraction of a unit, whichever is greater, in excess of units or fractions of units for which the landowner has already paid a SAC.

10. Applications for connection of Carlos Township property shall conform with all requirements otherwise held by Ida Township and ALASD for connection to the sewer system.

SECTION VIII: ENFORCEMENT AND PENALTY

It shall be the duty of Ida Township to enforce this Ordinance through the proper legal methods and authorities.

Violations of this Ordinance shall constitute a misdemeanor and shall be punishable by up to the maximum penalty for a misdemeanor as provided by state law as from time to time amended, including the cost of prosecution. Each day a violation shall occur shall constitute a separate violation.

Nothing contained in this Ordinance shall be deemed to repeal or amend any ordinance requiring a permit.

The prosecution of any violation, and the imposition of any fine or sentence shall not exempt the violator from compliance with requirements of this Ordinance, and Ida Township may pursue by appropriate actions or proceedings any or all additional remedies, including injunctive relief.

SECTION IX: SEVERABILITY

If any portion of this Ordinance shall be found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

SECTION X: EXCEPTIONS

Prior to the adoption of this ordinance, Ida Township had agreements with certain developments to charge a \$1,000 SAC fee to connect to the Ida Township sewer system. These agreements remain in effect for all parcels listed in “ADDENDUM A”.

SECTION XI: EFFECTIVE DATE

This Ordinance shall become effective and enforceable on the day following publication.

ADOPTED by the Ida Township Board of Supervisors this ____ day of _____, 20____, by the following vote:

YES:

NO:

Chairman

Clerk

Sewer Ordinance 07-01 Addendum A

Country Estates

APPRCL	APLOT	APBLOCK	APPLAT	PLDESC	APSECT	APTOWN	APRANG
24-1032-000	001	001	177	COUNTRY ESTATES	35	129	38
24-1032-010	002	001	177	COUNTRY ESTATES	35	129	38
24-1032-020	003	001	177	COUNTRY ESTATES	35	129	38
24-1032-030	004	001	177	COUNTRY ESTATES	35	129	38
24-1032-040	005	001	177	COUNTRY ESTATES	35	129	38
24-1032-050	006	001	177	COUNTRY ESTATES	35	129	38
24-1032-060	007	001	177	COUNTRY ESTATES	35	129	38
24-1032-070	008	001	177	COUNTRY ESTATES	35	129	38
24-1032-080	009	001	177	COUNTRY ESTATES	35	129	38
24-1032-090	010	001	177	COUNTRY ESTATES	35	129	38
24-1032-100	001	002	177	COUNTRY ESTATES	35	129	38
24-1032-110	002	002	177	COUNTRY ESTATES	35	129	38
24-1032-120	003	002	177	COUNTRY ESTATES	35	129	38
24-1032-130	004	002	177	COUNTRY ESTATES	35	129	38
24-1032-140	005	002	177	COUNTRY ESTATES	35	129	38
24-1032-150	006	002	177	COUNTRY ESTATES	35	129	38
24-1032-160	007	002	177	COUNTRY ESTATES	35	129	38
24-1032-170	008	002	177	COUNTRY ESTATES	35	129	38
24-1032-180	009	002	177	COUNTRY ESTATES	35	129	38
24-1032-190	010	002	177	COUNTRY ESTATES	35	129	38
24-1032-200	011	002	177	COUNTRY ESTATES	35	129	38
24-1032-210	012	002	177	COUNTRY ESTATES	35	129	38

24-1032-220	013	002	177	COUNTRY ESTATES	35	129	38
24-1032-230	014	002	177	COUNTRY ESTATES	35	129	38
24-1032-240	015	002	177	COUNTRY ESTATES	35	129	38
24-1032-250	016	002	177	COUNTRY ESTATES	35	129	38
24-1032-260	017	002	177	COUNTRY ESTATES	35	129	38
24-1032-270	001	003	177	COUNTRY ESTATES	35	129	38
24-1032-280	002	003	177	COUNTRY ESTATES	35	129	38
24-1032-290	003	003	177	COUNTRY ESTATES	35	129	38
24-1032-300	004	003	177	COUNTRY ESTATES	35	129	38
24-1032-310	005	003	177	COUNTRY ESTATES	35	129	38
24-1032-320	006	003	177	COUNTRY ESTATES	35	129	38
24-1032-330	007	003	177	COUNTRY ESTATES	35	129	38
24-1032-340	008	003	177	COUNTRY ESTATES	35	129	38
24-1032-350	009	003	177	COUNTRY ESTATES	35	129	38
24-1032-360	010	003	177	COUNTRY ESTATES	35	129	38

Ida Estates

APPRCL	APLOT	APBLOCK	APPLAT	PLDESC	APSECT	APTOWN	APRANG
24-0699-000	001	001	363	IDA ESTATES	22	129	38
24-0699-025	002	001	363	IDA ESTATES	22	129	38
24-0699-050	003	001	363	IDA ESTATES	22	129	38
24-0699-075	004	001	363	IDA ESTATES	22	129	38
24-0699-100	005	001	363	IDA ESTATES	22	129	38
24-0699-125	006	001	363	IDA ESTATES	22	129	38
24-0699-150	007	001	363	IDA ESTATES	22	129	38

24-0699-175	008	001	363	IDA ESTATES	22	129	38
24-0699-200	009	001	363	IDA ESTATES	22	129	38
24-0699-225	010	001	363	IDA ESTATES	22	129	38
24-0699-250	001	002	363	IDA ESTATES	22	129	38
24-0699-275	002	002	363	IDA ESTATES	22	129	38
24-0699-300	003	002	363	IDA ESTATES	22	129	38
24-0699-325	004	002	363	IDA ESTATES	22	129	38
24-0699-350	005	002	363	IDA ESTATES	22	129	38
24-0699-375	006	002	363	IDA ESTATES	22	129	38
24-0699-400	007	002	363	IDA ESTATES	22	129	38
24-0699-425	008	002	363	IDA ESTATES	22	129	38
24-0699-450	009	002	363	IDA ESTATES	22	129	38
24-0699-475	010	002	363	IDA ESTATES	22	129	38
24-0699-500	011	002	363	IDA ESTATES	22	129	38
24-0699-525	012	002	363	IDA ESTATES	22	129	38
24-0699-550	013	002	363	IDA ESTATES	22	129	38
24-0699-575	014	002	363	IDA ESTATES	22	129	38
24-0699-600	015	002	363	IDA ESTATES	22	129	38
24-0699-625	016	002	363	IDA ESTATES	22	129	38
24-0699-650	017	002	363	IDA ESTATES	22	129	38
24-0699-675	018	002	363	IDA ESTATES	22	129	38
24-0699-700	019	002	363	IDA ESTATES	22	129	38
24-0699-725	020	002	363	IDA ESTATES	22	129	38
24-0699-750	021	002	363	IDA ESTATES	22	129	38
24-0699-775	022	002	363	IDA ESTATES	22	129	38

Ida Oaks

APPRCL	APLO T	APBLO K	APPLA T	PLDESC	APSEC T	APTOW N	APRAN G
24-0159-050	001	001	367	IDA OAKS	03	129	38
24-0159-060	002	001	367	IDA OAKS	03	129	38
24-0159-070	003	001	367	IDA OAKS	03	129	38
24-0159-080	004	001	367	IDA OAKS	03	129	38
24-0159-090	005	001	367	IDA OAKS	03	129	38
24-0159-100	001	002	367	IDA OAKS	03	129	38
24-0159-110	002	002	367	IDA OAKS	03	129	38
24-0159-120	003	002	367	IDA OAKS	03	129	38
24-0159-130	004	002	367	IDA OAKS	03	129	38
24-0159-140	005	002	367	IDA OAKS	03	129	38
24-0159-150	006	002	367	IDA OAKS	03	129	38
24-0159-160	007	002	367	IDA OAKS	03	129	38
24-0159-170	008	002	367	IDA OAKS	03	129	38
24-0159-180	009	002	367	IDA OAKS	03	129	38
24-0159-190	010	002	367	IDA OAKS	03	129	38
24-0159-200	011	002	367	IDA OAKS	03	129	38
24-0159-210	001	003	367	IDA OAKS	02	129	38
24-0159-220	002	003	367	IDA OAKS	02	129	38
24-0159-230	003	003	367	IDA OAKS	02	129	38