

proper amount of the fee with the limits specified in this Subdivision. No connection shall be made without payment of the Additional Connection Charge unless the City is to be assessed pursuant to Subdivision 5. Upon application, the owner may waive his right to notice, hearing and appeal.

- B. Assessments.** The Council may cause the Additional Connection Charge to be levied as an assessment against the lot or tract to be served. The assessment, when levied, shall bear interest at the rate for local improvements and shall be certified to the auditor of the county in which the property is located and shall be collected and remitted to the City in the same manner as assessments for local improvements. The Council may, by resolution, provide that the assessment be spread over a term of up to 10 years upon request of the property owner or agent.
- C. Liability for Charge and Certification to County Auditor.** All Additional Connection Charges imposed pursuant to this Section, including those assessed pursuant to Subdivision 5, shall be a charge against the owner of the lot or tract of land to be served. The Clerk shall certify all unpaid charges to the County Auditor with taxes against the lot or tract to be served for collection as other taxes are collected.

**Subd. 4. Separate Fund.** Any sum collected and received by the City under this Subdivision shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the municipal water system. Net revenues from time to time received in excess of such costs may be used as otherwise provided for by law.

**Subd. 5** Where a property or building in the City has connected to the City water system or where the City water system is available to a property or building, no owner or occupant of said property or building or any other person shall construct or make use of any private water supply or well on said property or building, except for such purposes as may be allowed by the Council. Notwithstanding the foregoing, an existing well may be used only for lawn irrigation with proper backflow prevention per the Minnesota State Building Code

**Subd. 6.** All connections to the municipal water system shall be in accordance with the Minnesota State Building Code and inspected by the Building Official or his or her designee.

**Subd. 7.** The Commission shall prepare, administer, and enforce rules and regulations governing fees and rates of the City water system.

#### **SECTION 614.01. ASSESSMENT OF CERTAIN SEWER, WATER AND ELECTRICAL FEES.**

**Subd. 1 Authority to Assess.** Pursuant to Minnesota Statutes § 444.075 and Minnesota Statute Chapter 429, the City may assess the following fees against a benefited property:

- A. Sanitary Sewer: connection fee, sewer availability charge, trunk fee, and sewer connection inspection fee.
- B. Water fees: water availability charge, water main connection fee, water trunk fee, water connection inspection fee and water meter fee.
- C. Electric service fees: electric service line fee, electric service territorial fee and electric capital recovery fee.

(All such sewer, water and electrical fees are hereafter referred to as the “Utility Fees.”)

**Subd. 2. Assessment Procedure.** The City will consider assessing the Utility Fees for payment over a period of time not to exceed 10 years, but only where the City receives, prior to Council consideration of an assessment resolution, a petition and assessment agreement, signed by all owners of the property to be assessed, which contains the following:

- A. A request by all such property owners for the City to assess the Utility Fees.
- B. Identification of the amount of all Utility Fees to be assessed.
- C. A waiver by all such property owners of all procedural and substantive rights afforded them by Minnesota Statute chapter 429 or otherwise, including but not limited to a waiver of any rights (i) to require the City to conduct a feasibility study, (ii) to receive notice of any kind, (iii) to require the City to conduct a public hearing, and (iv) to object to the assessment amount.
- D. A waiver of any rights to appeal or contest the assessment.
- E. Approval from the Commission.

Upon receipt of the appropriate petition and assessment agreement, the City of Delano may assess such property for the Utility Fees by Council resolution and certify such amount to the Wright County Auditor.

**Subd. 3. Authority to Assess by Other Means.** Nothing in this Section 614.01 shall prevent the City from collecting or assessing the Utility Fees in any other manner authorized by law.

## **SECTION 615.01 WATER DEFICIENCY AND SHUTOFF; DISCLAIMER.**

The City and Commission are not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatsoever. In case of fire, or alarm of fire, water may be shutoff to ensure a supply for firefighting. In making repairs or construction of new work, water may be shutoff at any time and kept off so long as may be necessary.