

- C. Applicants for a building permit in the Central Business District redevelopment area (as established by the Delano Comprehensive Plan) may select a modified payment method for SAC, WAC, and Sewer Trunk charges. The modified payment method shall be as follows:
3. The minimum SAC, WAC, and Trunk fees shall be paid at time of building permit issuance equal to one unit of SAC, WAC, and Trunk fees.
  4. The remaining amount of SAC, WAC and Trunk fees shall be payable to the City in equal annual installments due on July 1 of each year for no more than 10 successive years, plus interest at an annual amount specified by the Council.
- D. SAC, WAC, and Trunk fees, plus accrued interest, not paid when due and delinquent as of August 1 of any calendar year may be certified to the County Auditor for collection with taxes.

#### **SECTION 612.01. POWERS AND AUTHORITY OF INSPECTIONS.**

**Subd. 1.** The Building Official or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection observations, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Chapter.

**Subd. 2.** The Building Official or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the sewer collection system.

**Subd. 3.** The Building Official or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

#### **SECTION 613.01. WATER CONNECTION.**

**Subd. 1.** Where the City water system is available to any parcel of property or building within the boundaries of the City, the owner of such parcel of property or building shall make connection to the City water system. If connection is not made pursuant to this Subdivision, the City may issue written notice to connect within 90 days. Said notice shall be served on the owner or an authorized agent of the owner or may be sent by mail to the owner's last known address. If the owner cannot be reached by mail so addressed, the City may serve the written notice upon the occupant. Pursuant to the authority conferred by Minnesota Statute § 444.075 and subject to the limitations under Minnesota Statute § 444.25, in addition to all other charges for tapping into or connecting with the municipal water system, including fees for inspection of

the connection, right-of-way permit and other fees established by City Code provisions or resolutions, no connection shall be installed, or made, with or into any municipal water system of the City, either directly or indirectly, from any lot or tract of land unless the Clerk shall have certified as follows:

- A. That the lot or tract of land to be served has been assessed for its proportionate cost of construction of the main with which the connection is made;
- B. If no assessment has been levied for such construction cost, that proceedings for the levying of such assessment have been or will be commenced within a specified time determined by the Clerk; or
- C. That the cost of construction for the main has been paid by the developer or builder platting the lot or tract of land.

**Subd. 2. Additional Connection Charges.** If none of the above conditions can be certified by the Clerk, no connection to any water main shall be made unless the applicant shall pay an additional connection fee (hereinafter “Additional Connection Charge”). The Additional Connection Charge shall be equal to the average assessment levied against like kind property for a similar public improvement constructed and installed by the City provided, however, for a connection to a residential property, the Additional Connection Charge shall be equal to the average assessment levied against residential parcels of one-half acre or less. The average assessment shall be determined by taking the total assessment for a similar public improvement and dividing that total by the total number of properties assessed, such determination having regard for construction costs current on the date of such determination. Whenever more than one tap or other connection is requested for service to any lot or tract or whenever any tap or connection is requested for a lot or tract which has previously been part of a lot or tract for which a connection charge has already been imposed pursuant to this Subdivision, an Additional Connection Charge shall be imposed for each tap or connection requests.

- A. Notice and Hearing. Before the City makes a final determination of the Additional Connection Charge under this Section, the Clerk shall cause a written notice to be sent to the property owner affected stating the amount of the proposed Additional Connection Charge and the basis of its calculation. The notice shall also state that the owner may, within 10 days of receipt of the notice, demand a hearing on the matter. If the owner requests a hearing within that time, a hearing shall be held on the matter by the Council within a reasonable time after the date on which the request is made. The notice shall further state that the owner may request that the charges be levied as an assessment against the lot or tract to be served and an application for such request shall be provided with the notice. The application shall be made within 10 days of receipt of the notice referred to above if no hearing is requested, or if a hearing is requested, within 10 days following the hearing. If as a result of the hearing, the Council finds that the proposed Additional Connection Charge complies with the requirements of this Subdivision, it shall so determine. If it determines that the Charge is in excess of an amount that would have been assessed had the property been assessed, it shall make a determination of the

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: