

**ORDINANCE NO. 01/18/22 - 701**

AN ORDINANCE REPEALING HAYFIELD'S CITY CODE, CHAPTER 7,  
REGULATING TO PUBLIC UTILITIES.

THE CITY COUNCIL OF THE CITY OF HAYFIELD ORDAINS AS FOLLOWS:  
Repeal and Replacement, Chapter 7 of Hayfield's City Code is hereby repealed in its entirety  
and replaced as follows and the following is hereby ordained and adopted:

**AN ORDINANCE REGULATING PUBLIC UTILITIES**

In all other respects, the above referenced Ordinance is hereby ratified. This Amendment shall be effective upon passage and publication, which was 01/06/2022.

**The City Council of Hayfield, Dodge County, Minnesota ordains:**

**Chapter 7. Public Utilities**

**Part 1. Utility Billing**

**701.01 SCOPE OF ORDINANCE.**

Every parcel of real property and occupant and owner of every parcel of real property located within the city limits of the City of Hayfield, Minnesota, which receives water or wastewater (collectively referred to as "utility" or "utilities") service from the City of Hayfield utility systems shall be subject to this ordinance, whether such occupant and/or owner is an individual, corporation, partnership, association, firm, or any other legal entity.

**701.02 TERMS OF BILLING**

**Subd. 1. Billing and Owner's Liability.** All billing accounts for services shall be carried in the name of the owner of that property receiving utility service. The owner shall be liable for water supplied to and sewer discharged from their property, whether the owner is occupying the property or not and any charges unpaid shall be the personal responsibility of the owner.

**Subd. 2. Billing and Payment Schedules.** Statements for total water charges for the preceding bi-monthly period shall be mailed by the city clerk to each parcel of property receiving water service on or before the 5th day of the month following the bi-monthly billing period. The amount listed on the statement shall be due not later than the last day of the month following the bi-monthly period covered by such statement. Any statement which has not been paid on or before the last day of the month following the bi-monthly period covered on such statement shall be deemed delinquent.

### **701.03 RATES, CHARGES AND FEES**

**Subd. 1. Utility Charges Levied.** The user charges provided in this Section are hereby levied and assessed upon each lot, parcel of land, building or premises having any connection with, either directly or indirectly into the Hayfield Municipal utility Systems.

**Subd. 2 Rate Charged.** For the purpose as provided in 701.03, Subd. 1, there is hereby levied and assessed against each lot, parcel of land, building or premises having a connection with the municipal utility systems of said city, whether directly or indirectly, a utility charge payable as hereinafter provided, and in an amount fixed and determined as provided in Appendix 7A.

**Subd. 3 Payment.** The rental charges set forth herein shall be bi-monthly. The payments are the responsibility of the premises owner, but payments to the city will be accepted by any party.

**Subd. 4. Funds from Water Service Charges.** The funds received from the collection of the water and sewer charges authorized by this ordinance shall be deposited as collected in the respective City water and sewer system operating fund and shall be used for the operation, maintenance, debt service, replacement, and improvements of the respective City water and sewer system, except that the portion of any such funds which is limited to a particular use by applicable state or Federal rules or regulations shall be used in compliance with such restrictions.

### **701.04 FAILURE TO PAY**

**Subd. 1. Water Shut-Off for Non-Payment.** The following shall apply for non-payment of water rates:

- A. **Shut-Off:** The city shall attempt to collect all delinquent accounts. In any case where payment has not been received by the City within sixty (60) days from the last day of the preceding bi-monthly period, the city council may, after the procedural requirements of Subdivision 2 have been complied with, discontinue service to the delinquent customer by shutting off the water service to the premises being serviced. When water service to any premises has been discontinued, service shall not be restored except upon payment of all delinquent amounts due plus a water reconnection fee, provided in Appendix 7A.
- B. **Procedure:** Water shall not be shut off under Subdivision 1 until the owner of the premises is provided notice of delinquency and an opportunity for a hearing. The notice shall be mailed to the occupant of the premises and shall state that if payment is not made before a date stated in the notice, but not less than ten (10) days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall be addressed to the occupant of the premises and a copy mailed to the owner of the premises. If the owner of the premises is not the occupant of the premises, such service

shall be deemed properly made on the owner and it shall be the responsibility of the absent owner, and not the responsibility of the city to obtain notice of such service from the occupant of the premises.

The notice shall provide that the owner may, before such date that water service would be shut off, demand a hearing on the matter, in which case the water services will not be shut off until after the hearing is held. If the owner requests a hearing before the specified shut off date, a hearing shall be held on the matter by the city council at least seven (7) days after the date on which the request is made. The request by the owner for a hearing must be submitted in written form, executed by the owner, and filed with the city clerk before such date that water services would be shut off. Within three (3) days of receiving such a request for a hearing, the city clerk shall mail a notice to the owner at the premises receiving water service as to the date, time, and location of said hearing before the city council. A quorum of the city council shall be necessary for the city to hold such a hearing. If as a result of the hearing, the city council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent owner may not be shut off in accordance with this ordinance, the city may shut off the water supply. The city shall comply with Cold Weather Rule, Minnesota Statutes 216B.097.

**Subd. 2. Collection of Unpaid Billings by Taxes.** Delinquent accounts may be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. Upon such assessment roll being adopted by the city council, the clerk shall certify the assessment roll to the County Auditor for collection along with the taxes.

**Subd. 3. Penalties.** Any person, or persons, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1000.00 or by imprisonment not to exceed ninety (90) days, or both.

#### **701.05. ASSESSMENT OF CERTAIN SEWER, WATER AND 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:

Sanitary Sewer: connection fees, sewer availability charge, repair costs and surcharges

Water fees: connection fees, water availability charge, repair costs, and water meter costs

(All such sewer and water 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 request by all such property owners for the City to assess the Utility Fees.

Identification of the amount of all Utility Fees to be assessed.

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.

A waiver of any rights to appeal or contest the assessment.

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

**Subd. 3. Authority to Assess by Other Means.** Nothing in this Section 701.05 shall prevent the City from collecting or assessing the Utility Fees in any other manner authorized by law.

#### **701.06 NEW CONNECTIONS**

**Subd. 1. Application for Service.** Any person desiring a connection with the water/sewer system shall complete an application with the City and pay an applicable fee(s). Fees shall include a connection deposit, Water Availability Charge (WAC), and Sewer Availability Charge (SAC). Base fee units are provided in Appendix 7A and calculation methods for fees are provided in respective ordinance sections for sewer and water.

**Subd. 2. Connection Deposit:** The applicant shall be required to make a connection deposit along with the permit application, if applicable. The connection deposit shall be established by the Council and is included in Appendix 7A. Connection deposits listed are additive and apply only to connections requiring disturbance of surfaces within city-owned property or easement or public right-of-way. Connection deposits vary in amount, depending on the type of ground disturbance required to connect. Connection deposits shall be made in cash or certified check. A performance bond may be used in lieu of payment. The connection deposit shall be refunded to the applicant after the City completes a final on-site inspection of the sewer connection and restoration and all work is found to be satisfactory.

**Subd. 2. Commercial and Industrial Connection Fee Policy.** The City hereby adopts the following policy regarding collection of SAC and WAC fees for commercial and industrial properties pursuant to the authority in Minnesota Statute § 444.075:

- A. Applicants for a building permit in any commercial or industrial zoning district may select a modified payment method for SAC and WAC. The modified payment method shall be as follows:
  - 1. The minimum SAC and WAC shall be paid at time of building permit issuance

equal to thirty percent of the total SAC and WAC or current charge for one unit of SAC and WAC, whichever is greater.

2. The remaining amount of SAC and WAC fees shall be payable to the city in equal annual installments due on July 1 of each year for no more than five successive years, plus interest at an annual amount specified by the Council.

B. SAC and WAC 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.

**701.07 SEVERABILITY.**

Every provision of this ordinance shall be severable from every other part or provision thereof, and if one provision is held invalid, such invalidity shall not affect any other part or provision thereof.

**701.08 EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and after its publication according to law. Any unpaid bills which were delinquent prior to this ordinance and which are due and owing after the effective date of this ordinance shall fall within the terms of this ordinance.

**Part 2. General Utility Regulations and Restrictions**

**702.01. UTILITY SERVICE REGULATIONS.**

**Subd. 1. All Services to be Metered.** All water shall be measured by meters furnished by the city for that purpose. Sewer usage shall be measured by the same when a property has both water and sewer connections. Where a property has only sewer service, sewer usage shall be measured by metering private well usage or other method approved by City Council.

**Subd. 2. Separate Connection for Each Premise.** Unless special permission is granted by the council, each premise shall have a separate and distinct service connection, and where permission is granted for branch service system, each must have its own separate meter and separate switch or curb cock.

**Subd. 3. Damaging Meters Prohibited.** No person shall damage or knowingly permit or negligently permit damage to a water or wastewater meter on his/her premises or elsewhere. Any person damaging any such meter or knowingly or negligently permitting the same to be damaged, shall pay all costs of making the required repairs to said meter upon demand by the city. Damage from freezing shall be presumed to be due to the negligence of the consumer.

**Subd. 4. Use of Water Without Authority.** It shall be unlawful for any person to use water or discharge wastewater from any premises without the consent of the owner. No person, except the consumer regularly supplied, shall draw water except through a meter installed by the city. No person, except an authorized representative of the city, shall turn on or off, or tamper with any curb cock.

**Subd. 5. Defective Service.** All claims for defective service shall be in writing and filed with the city clerk within 30 days of the discovery of such defective service, or deemed waived by the claimant. It shall be the duty of the council to have every such claim investigated and an amount to be refunded determined by reason of such defective service. When the amount has been set and approved by the city council, the same shall be refunded to the consumer.

**Subd. 6. Discontinuance of Service.** The city reserves the right to discontinue service to any or all consumers of the water system without notice, when necessary, for repairs, or for non-payment of bills, or for disregard of rules and regulations affecting utility service. When service has been discontinued for non-payment of bills, or for disregard of regulations it shall not be resumed except upon payment of the bills, and compliance with the regulations.

**Authorized Representative.** Only a person authorized by the council is empowered to discontinue water service of those persons, whether owner or tenant, who are delinquent in their water rent, and is empowered to enter upon such premises at any reasonable hour if such entrance is necessary for the shutting off of the water.

#### **702.02. RIGHT OF ENTRY.**

By applying for or receiving a municipal utility service, a property owner irrevocably consents and agrees that any City employee acting within the course and scope of employment may enter into and upon the private property of the property owner, including any dwelling and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility or connection therewith is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service. Provided however, that, except in the case of emergency, before entering the property, the property owner shall be notified of the proposed entrance and, if the property owner refuses to permit the entrance into the interior of a building, the City employee must obtain an administrative search warrant.

#### **SECTION 702.03. 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.

#### **SECTION 702.05. PUBLIC HEALTH AND SAFETY HAZARD.**

Violations of this Chapter are hereby declared to be a public health and safety hazard.

### Part 3. Wastewater Utility

#### 703.01. DEFINITIONS.

As used in this Chapter, unless otherwise stated in specific Sections, the following words and terms shall have the meanings stated:

**Subd. 1. “BOD (denoting Biochemical Oxygen Demand)”** means the quantity of oxygen utilized in the biological oxidation of organic matter expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

**Subd. 2. “Building Drain”** means that part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

**Subd. 3. “Building Sewer” or “Service Connection”** means the extension from the building drain to the public sewer or other place of disposal.

**Subd. 4. “Capital Costs”** means all reasonable and necessary costs and expenses incurred by the City in planning, designing, financing, and constructing disposal system facilities, including, but not limited to, costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees or legal and consulting services; or the acquisition of such facilities.

**Subd. 5. “COD (denoting Chemical Oxygen Demand)”** means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

**Subd. 6. “Combined Sewer”** means a sewer originally designed and currently designated to receive both surface water runoff and sewage.

**Subd. 7. “Commercial Users”** means all users of the system classified as industrial users in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Division A, B, C, E, and I, but who are excluded from such definition for the purposes of this Chapter, because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this Chapter as domestic users, governmental users, or institutional users.

**Subd. 9. “Contract Users”** means all users who have a written contract with the City to use the City sewer system or City wastewater treatment plant.

**Subd. 10. “Debt Service”** means the principal and interest necessary to pay bonded indebtedness.

**Subd. 11. “Debt Service Charge”** means the charge related to the principal and interest necessary to pay bonded indebtedness of facilities owned or operated by the City. The debt service charge includes a “debt service connection charge” and a “debt service user charge.”

**Subd. 12. “Domestic User”** means a user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling detached housing, apartments and mobile homes, and which discharges primarily normal domestic strength sanitary wastes.

**Subd. 13. “Flow”** means the quantity of sewage expressed in gallons or cubic feet per 24 hours.

**Subd. 14. “Garbage”** means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.]

**Subd. 15. “General Municipal Flow”** means the total sewage flow discharged to the treatment facilities, minus the flows from industrial users, other municipalities, and contract users and therefore includes sanitary wastes and infiltration. General municipal flow, based on the design of the wastewater treatment facilities, is further defined as flows containing five-day BOD concentrations not greater than 250 mg/1 and suspended solids concentrations not greater than 250 mg/1.

**Subd. 16. “General Municipal User”** means any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users. This category of user includes as sub-categories:

- Domestic Users;
- Commercial Users;
- Institutional Users;
- Government Users, which are not contract users.

**Subd. 17. “Governmental User”** includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives and legislative bodies and agencies which provide general support services for government.

**Subd. 18. “Industrial User”** means any non-governmental user of the wastewater treatment facilities identified in the Federal Standard Industrial Classifications Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

- A. Agriculture, Forestry, and Fishing;
- B. Mining;



- C. Manufacturing;
- D. Transportation, Communications, Electric, Gas and Sanitary Services;
- E. Services.

A user in the divisions listed may be excluded and treated as a commercial user if the City determines it will primarily introduce domestic wastes or wastes from sanitary conveniences.

The BOD and suspended solids load from industrial users will be based on the actual concentrations of those constituents, except that for industrial users with sewage containing BOD and suspended solids concentrations less than the concentrations as defined for general municipal flow, the charges shall be based on concentrations as defined for general municipal flow.

**Subd. 19. “Industrial Wastes”** means the solid, liquid, or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

**Subd. 20. “Institutional User”** means those establishments engaged in activities of a non-economic nature, frequently being the performance of services classified as a governmental or commercial user in this Chapter.

**Subd. 21. “Load”** means quantities of sewage characteristics such as BOD, SS and other constituents as expressed in milligrams per liter(mg/l) or pounds per 24 hours (lbs/24 hours).

**Subd. 22. “National Pollution Discharge Elimination System Permit (NPDES Permit)”** means the system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to Section 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

**Subd. 23. “Normal Domestic Strength”** means wastes with Biochemical Oxygen Demand Concentration not to exceed 250 milligrams per liter and a total Suspended Solids Concentration not to exceed 250 milligrams per liter and a phosphorous concentration not to exceed 10 milligrams per liter.

**Subd. 24. “Natural Outlet”** means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**Subd. 25. “Operation and Maintenance Costs (O & M Costs)”** means the expenses related to the costs of the operation, maintenance, replacement and administration of the City facilities.

**Subd. 26. “Other Wastes”** shall mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal and other substances except sewage and industrial wastes.

**Subd. 27. “pH”** means the logarithm of the reciprocal of the hydrogen ions concentration in gram molecules per liter of solution.

**Subd. 28. “Process Water”** means any water used in the manufacturing, preparation of, or production of goods, materials or food. Process water is an industrial waste.

**Subd. 29. “Public Sewer”** means any sewer owned or operated by a unit or agency of government and located within the boundaries of the City.

**Subd. 30. “Replacement Costs”** means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the City facilities for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.

**Subd. 31. “Sanitary Sewer”** means a sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**Subd. 32. “Sanitary Wastes”** means the liquid and water carried wastes discharged from sanitary plumbing facilities.

**Subd. 33. “Sewage” or “Wastewater”** means the water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present, that are not admitted intentionally.

**Subd. 34. “Sewer”** means a pipe, swale, ditch or other conduit for carrying sewage, industrial waste or other waste liquids.

**Subd. 35. “Sewer Service Charge”** means the aggregate of all the charges including the user charge, debt service charges, industrial cost recovery charges and other sewer related charges that are billed periodically to users of the City facilities.

**Subd. 36. “Sewer System”** means pipelines or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

**Subd. 37. “Significant Industrial User”** means any industrial user who discharges sewage which constitutes greater than 10% of the design flow or design pollutant loading of the wastewater treatment plant.

**Subd. 38. “Slug”** means any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during the normal operation and which adversely affects the collection system and/or performance of the water reclamation plant.

**Subd. 39. “Storm Sewer (sometimes termed “Storm Drain)”** means a sewer intended to carry storm waters, surface runoff, groundwater, sub-surface water, street wash water, drainage and unpolluted water from any source.

**Subd. 40. “Superintendent”** means the City Clerk, City Maintenance Supervisor, or the City Wastewater Treatment Plant Supervisor.

**Subd. 41. “Suspended Solids” or “SS (denoting Total Suspended Solids)”** means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of “Standard Methods of the Examination of Water and Wastewater.”

**Subd. 42. “Unpolluted Water”** means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

**Subd. 43. “User”** means any person, or corporation, or other entity, whether municipal or otherwise, discharging sewage into the City disposal system facilities.

**Subd. 44. “User Charge”** means a charge levied on users of City facilities for the cost of operation, maintenance and replacement of such facilities.

**Subd. 45. “Wastewater Treatment Works or Treatment Works”** means an arrangement of devices and structures for treatment of wastewater, industrial waste, and sludge. Sometimes used as synonymous for “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant” or “sewage treatment plant.”

#### **703.02. CONTROL AND SUPERVISION.**

The Council shall have control and general supervision of all public sewers and service connections in the City. The Council, at its discretion, may rely on the Superintendent to aid in the performance of its duties herein.

#### **703.03. USE OF PUBLIC SEWERS.**

**Subd. 1. Treatment Required.** It shall be unlawful to discharge to any natural outlet within the

City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter.

**Subd. 2. Connection Required.** Where the City sewer system is in place adjacent to a property line and the building or other sewage discharge is within 200 feet of said system, the owner of said property or building shall connect to the available City sewer 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 Statutes § 444.075, in addition to all other charges for tapping into or connection with the municipal sanitary sewer system, including fees for inspection of the connection, right-of-way permit, and other fees established by City Code or resolutions, no tap or other connection shall be installed, or made, with or into any municipal sanitary sewer 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 proportionate cost of construction for the main has been paid by the developer or builder platting the lot or tract of land.

**Subd. 3. Additional Connection Charge.** If none of the above conditions can be certified by the Clerk, no connection to any sanitary sewer main shall be made unless the applicant shall pay an 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 requested.

- A. Notice and Hearing. Before the Clerk or the Clerk's designee 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 proposed 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 charge with the limits specified in this Subdivision. No connection shall be made without payment of the connection charge unless the charge is to be levied as an assessment against the benefitted property. 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 against the property, 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. Connection by the City.** In the event an owner shall fail to connect to the City sewer system in compliance with written notice from the City, the City may, by resolution, undertake to have said connection made and may assess the cost thereof against the benefitted property.

**Subd. 5. Other Facilities.** It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**Subd. 6. Certain Connections Prohibited.**

- A. No building located on property lines outside the limits of the City shall be connected to the City sewer system absent a contract between the City and the local governmental unit containing the building served.
- B. No sewer connection shall be made to any building or house which does not contain

a minimum of one vented sewer main.

**Subd. 7. Storm and Other Water.** Except as permitted by the City, no person shall discharge or cause to be discharged directly or indirectly, into any sanitary sewer, any storm water, surface water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, or unpolluted cooling or process water. Storm water and all other unpolluted water shall be discharged to a storm sewer, except the unpolluted cooling or process water shall only be so discharged upon approval by the City or other local unit of government.

**Subd. 8. Prohibited Discharges.** No person shall discharge or cause to be discharged, directly or indirectly, into any sanitary sewer, any of the following described substances:

- A. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.
- C. Any water or wastes having pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.
- D. Solid or viscous substances, whether whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper continuation of the wastewater facilities, but not limited to, ashes, cinders, disposable diapers, glass, grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and sanitary napkins, paper dishes, cups, milk containers, and other paper products.
- E. Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- F. Any liquid or vapor having temperature higher than 150° F (65° C).
- G. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).
- H. Any garbage that has not been ground or shredded to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

- I. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- J. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state and federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- K. Radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it.
- L. Prohibited wastes shall be regulated in accordance with the City's NPDES permit, Sections 307(a) and 307(b) of the Clean Water Act and all other applicable state and federal regulations.

**Subd. 9. Discharges Allowed by Permit Only.** Unless a permit has been obtained from the City, no person shall discharge or cause to be discharged directly or indirectly, into any public sewer, the following described substances. Application may be made upon forms provided by the City. Such a permit may be granted by the Council only if, in the opinion of the Council, such discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Council may give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, the City's NPDES permit, and other pertinent factors. The Council may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. Discharges prohibited except by permit include, but are not limited to materials which exert or cause:

- A. Unusual concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

- D. Unusual volume of flow or concentration of wastes constituting a slug.
- E. Water or water containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet NPDES permit requirements or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.
- F. Daily volumes greater than 25,000 gallons or 5% of the total system flow.

**Subd. 10. City Authority.** If any water or wastes are discharged, or are proposed to be discharged, directly or indirectly to the public sewers, which water or wastes do not meet the standards set forth in this Chapter or which, in the judgment of the Council, may have a deleterious effect upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may take any or all of the following steps:

- A. Refuse to accept the discharges, or
- B. Require control over the quantities and rates of discharge, or
- C. Require pretreatment to an acceptable condition for the discharge to the public sewers, or
- D. Require payment to cover the added cost of handling and treatment wastes.

The design and installation of the plant and equipment for pre-treatment or equalization of waste flows shall be subject to the review and approval of the City and subject to the requirements of 40 CFR 403, entitled, "Pretreatment Standards" and all applicable codes, ordinances, and laws. Nothing in this Chapter shall be construed to prevent or prohibit a contract or agreement between the City and any user whereby waste and material of unusual strength, character or composition may be accepted by the City for treatment, subject to additional payment therefor by such users provided, however, that such contract or agreement shall have the prior approval of the Superintendent, and the payments for such services meet the requirements of this Chapter and provided that the National Categorical Pretreatment Standards and the City's NPDES permit limitations are not violated.

**Subd. 11. Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Council, they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subdivision shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall not be required for private living quarters or dwelling units. Where preliminary treatment, flow equalizing facilities, or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense,



and shall be available for inspection by the City and all reasonable times.

**Subd. 12. Industrial Meters.** When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the Council and shall be maintained by the owner so as to be safe and accessible at all times.

**Subd. 13. Measurement Standards.** All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 ("Guidelines Establishing Test Procedures for Analysis of Pollutants") and the latest edition of Standard Methods for the Examination of Water and Wastewater. Sampling methods, locations, times, duration and frequencies shall be determined on a case-by-case basis subject to approval by the Council.

**Subd. 14. City Testing.** The City may conduct such tests as are necessary to enforce this Chapter and employees of the City may enter upon any property to take samples, obtain information and conduct surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City to determine if a previous violation of this Chapter has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's sewage requires more frequent than normal testing, the City may charge such user for the test, after giving the user 10 days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the City may require the user to test the discharge on a regular basis and to report the test results to the City within a reasonable time.

**Subd. 15. Responsibility for Maintenance of Line.** It shall be the duty and responsibility of every owner of property upon or under which a building sewer is placed to maintain the sewer line on and under said property from the building to the sewer line connection to the sewer main. Said maintenance shall include responsibility for repairing any broken tile or other break in said line, no matter what the cause, and the responsibility for any clean out or maintenance caused by obstructions in said line, no matter what the cause of said obstruction. Said owner and occupant also shall repair or cause such work to be done as the Council may direct. Each day after three days that the owner or occupant neglect or fail to so act shall constitute a separate violation of this Subdivision. Where the owner and occupant neglect or fail to so act, the Council may cause the work to be done and recover from said owner and occupant the expense thereof, and assess the amount of that expense against the property.

**Subd. 16. Prohibited Waste.** No person, having ownership, occupancy or charge of any building, or other premises, which drains into a public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 10 days after

notice in writing from the City, a person shall install a suitable and sufficient catch basin or waste trap, or if one already exists, clean out, repair or alter the same, and perform such other work as the Council may deem necessary to prevent any substance or matter from passing into the public sewer which may cause a deposit or obstruction therein. In addition to any penalties that may be imposed for violating this subdivision, if a person refuses or neglects to install a catch basin or waste trap, or to clean out, repair, or alter the same, if one exists, for a period of five days after notice, the Council may cause such work to be done as deemed necessary at the expense of the owner or person having charge of the premises, and assess the amount of that expense against the property.

**Subd. 17. Prohibited Waste Discharge Repair.** In addition to any penalties that may be imposed for violation of any provision of this Chapter, the City may assess against any person the cost of repairing or restoring sewer or associated facilities damaged as a result of the discharge or prohibited wastes by such person and may collect such assessment as an additional charge for the use of the City sewer system or may collect in any other manner deemed appropriate by the City.

**Subd. 18. Motor Vehicle Service.** The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain, in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt, or any mineral deposit from entering the public sewer system.

**Subd. 19. Dilution Prohibited.** Under no circumstances shall the owner of any property served by the City sanitary sewer system use increased amounts of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the requirements of this Chapter.

**Subd. 20. Accidental Discharges.** Accidental discharges of prohibited waste into the City sewer system, directly or through another disposal system, or to any place from which such waste may enter the City sewer system, shall be reported to the City by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge.

#### **703.04. PROHIBITED DISCHARGES FROM SUMP PUMPS AND OTHER SOURCES INTO THE SANITARY SEWER SYSTEM.**

**Subd. 1. Definition.** "Clear water" for the purpose of Sections 703.04 et seq. is defined as storm water; natural precipitation; melting snow; ground water; water flow from a roof, ground surface, subsurface drainage, down spout, eave trough, rainspout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or air conditioning unit or system; or any other water that is not required to be treated by state or federal law.

**Subd. 2. Prohibited Discharges.** No person may directly or indirectly discharge, or permit to be discharged, any of the following substances into the city sanitary sewer system: clear water;

gasoline, naphtha, benzene, kerosene, turpentine or any spirit gas or fluid; any material of an explosive or suffocating nature, or that may possibly create combustible or suffocating gases or vapors; and gravel, sand, dirt or any other heavy material in anything other than nominal quantities.

**Subd. 3. Authority to Inspect.** Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow inspection by authorized city employees or its agents, as deemed appropriate and authorized by the City Council, of all properties and structures connected to the sanitary sewer system to confirm there is no sump pump or other prohibited discharge into the sanitary sewer system. The authority to conduct further inspections on a property under this section shall lapse upon a determination that the property is in compliance with the requirements of this section.

- A. No person shall transfer ownership of real property within the City of Hayfield by Deed, Contract for Deed, or in any other manner, without first obtaining, at his expense, a certificate of compliance.
- B. In the event that Subdivision 703.04, Subd. 3.A. is not complied with by a transferor, any transferee of real property within the City of Hayfield who takes ownership of real property for which a valid certificate of compliance is not on file with the City of Hayfield shall, within 90 days of obtaining such ownership, at their expense, obtain a certificate of compliance.
- C. Certificate of Compliance. Any person required to obtain a certificate of compliance shall apply to the City of Hayfield for said certificate and pay any applicable application fee. The applicant for a certificate of compliance is responsible for providing an inspection report after having the property inspected as provided in this section. The City shall issue a certificate of compliance to any applicant who furnishes an inspection report confirming compliance with this section. A certificate of compliance is valid for one year.

**Subd. 4. Sump Pumps.** Any sump pump system in a structure within the city must have a permanently installed discharge line from the pump that meets the following requirements:

- A. It must not at any time discharge water into the municipal sanitary sewer system; and
- B. It must provide the capability for year-round discharge to the outside of the structure, to the city's storm sewer system, or to a city street if street drainage has been approved by the City; and
- C. It must consist of a discharge line built of a rigid permanent-type plumbing such as PVC, copper or galvanized pipe, without any connections for altering the path of discharge, and if connected to the city's storm sewer line, must also include a check valve.

**Subd. 5. Inspection.** Inspections may be conducted by use of dye, smoke, camera, or other method acceptable to the City of Hayfield to establish that the property is not in violation of Part 4 of Chapter 7. An inspection shall be made either by the City or by a licensed plumber. The person conducting the inspection shall fill out an inspection report provided by the City. All

inspection provided for in this section must be at times that are reasonably convenient for ordinary citizens. City Staff may apply to the district court for an appropriate administrative search warrant if a property owner refuses to allow an inspection of the owner's property.

- A. **Regular inspections.** Within 30 days after written notice from the city, every person owning improved real estate that discharges into the city's sanitary sewer system must allow the city or a designated city representative to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. In lieu of having the city inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the public works director.
- B. **Re-inspections.** A property found to be non-compliant with this section is subject to re-inspections to confirm that the property is subsequently brought into compliance. Thereafter, the property is subject to re-inspections on an annual basis to confirm continued compliance. Properties in compliance may also be subject to re-inspections to confirm continued compliance.
- C. **Inspections with building permits.** If a city inspector is on a property for the purpose of inspecting for compliance with a building permit, the city inspector has the authority to also inspect the property for compliance with this section.

**Subd. 6. Corrections.** The owner of a property found to be in violation of this section must make the necessary corrections to comply with this section within 14 Calendar days from the date of the written notification from the city. If the owner fails or refuses to make the required connections within the specified time, the city may make the necessary corrections and charge the cost to the property owner. Costs ~~that are~~ not paid may be certified for collection as a special assessment in the same manner as delinquent utility bills.

A Notwithstanding for foregoing, if an inspection discloses a violation of 703.04, a correction notice may be issued by the City permitting the transfer of property, provided;

- 1) An agreement by the owner or owner's representative has been executed with the City, whereby the owner or owner's representative agrees to complete corrections to the property necessary to bring it within compliance within 60 days of the transfer of the property; and
- 2) Security to ensure completion of any corrections to the property is posted with the closing agent in the form of an escrow, or with the City when a closing agent is not involved, at the time of property transfer or closing. The security shall be in an amount at least equal to 125% of the estimated cost of the work necessary for compliance. The escrow must be fully maintained until a certificate of compliance is used.

**Subd. 7. Surcharges.** A monthly surcharge in the amounts specified in Appendix 7A of this code will be added to each sewer and water bill for property where (a) an inspection has not been allowed or certification provided within 30 days after notice by the city, (b) the necessary corrections have not been made within the time specified, or (c) there has been a reconnection

of a previously disconnected prohibited discharge when the property is owned by the same or a related owner who owned the property when disconnection occurred. A surcharge will be added for every month during which the property is not in compliance, whether the non-compliance has been for the entire month or a portion of it. The surcharge for a reconnection will be charged beginning with the month after the inspection or certification that confirmed the previous disconnection.

**Subd. 8. Suspension of service.** The city may suspend water and sanitary sewer service to a property that is not in compliance with this section or when the owner has not allowed a required inspection or provided an alternative certification in the same manner as shut-offs for non-payment provided for in Section 701.04 of this Code

**Subd. 9. Temporary waiver.** The City Council may allow or require a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage to other property, the environment, or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the city clerk specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the City Building Inspector. The City Council may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. The city clerk must give five-day advance written notice of the termination to the property owner with the reasons for the action. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

**Subd. 10. Remedies.** The remedies provided in this section are cumulative and do not limit the right of the city to pursue any available legal remedy.

**Subd. 11. Penalty**

Any person, firm or corporation violating the provisions of this article will be guilty of a misdemeanor and may be punished with a maximum fine of \$1,000.00 or 90 days in jail or both.

**SECTION 703.05. BUILDING SEWER CONSTRUCTION REQUIREMENTS.**

All building sewer construction requirements shall conform to the requirements of the State of Minnesota Building Code except as amended in this Section. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials (“ASTM”) and Water Pollution Control Federation (“WPCF”) Manual of Practice No. 9 shall apply.

**Subd. 1. Materials.** All pipes shall comply with the State Building Code.

**Subd. 2. Joint and Connections.** Type of joints shall comply with the State Building Code.

**Subd. 3. Alignment.** No building sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than four bends, regardless of angle, shall be permitted in any single building sewer; except where manholes are constructed at such points and in manner as directed by the Building Official. No building sewer shall be laid parallel to any bearing wall or footing unless further distant than five feet from any such bearing wall or footing. No connection sewer shall be laid within 20 feet of any well. If no cleanout is provided then one with a minimum 4 inches opening must be provided outside of the house within three feet of the foundation or before the first bend. On long runs a cleanout must be provided each 100 feet.

**Subd. 4. Excavation.** All excavations shall be open-trench work unless otherwise authorized by the Building Official. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation the pipe is to be laid on is good and firm, the earth shall be pared and molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support. Backfilling shall not be done until the Section to backfill has been inspected and approved by the City inspector.

**Subd. 5. Use of Old House Sewers.** All sewer connections shall be made directly to the pipe outlet from the building served provided the pipe outlet is an approved material under the Minnesota State Building Code.

**Subd. X. Cesspool or Septic Tank Abandonment.** Where properties with old cesspools or septic tanks are connected to city sewer, the existing cesspool or septic tank shall first be pumped clean then fully removed, or the top of the existing tank may be removed and the tank filled with granular material to the surrounding ground level. No cesspool or septic tank shall be connected to any portion of a building sewer service. Cesspool or septic tanks shall not be used to house a lift pump.

**Subd. 6. Connections at Stub Only.** Every building sewer shall be connected to the City system only at the stub provided for the property served by the connection except where otherwise expressly authorized by the Building Official. Stubs have been provided for each separate structure and all connections to the public sanitary sewer shall be made to such stubs. When existing stubs are not provided or the existing stub cannot be used, then the property owner shall pay the full cost of making the connection elsewhere. In the event it becomes necessary to install a wye branch from the main, this shall be done using methods approved by the city Superintendent.

**Subd. 7. Separate Sewers.** A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may, if approval is received from the Building Official in advance, be extended to the rear building sewer and the whole considered as one

building sewer. The City does not assume any obligation or responsibility for damage caused by or resulting from any such single connection. A separate clean out shall be required for each building.

**Subd. 8. Size, Slope, Materials and Placement.** The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and other applicable rules and regulations. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

**Subd. 9. City Inspection.** Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the Building Official or their designee.

**Subd. 10. Barriers and Restoration.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored at the property owner's expense in a manner satisfactory to the Building Official.

#### **703.06. SEWER AVAILABILITY CHARGE.**

**Subd. 1.** The Sewer Availability Charge (SAC) shall be assessed to the applicant at the time of application for a connection permit to the sewer system. A SAC unit is based upon 274 gallons of flow per day. Single family houses, townhouses, and duplex units each comprise one SAC unit. Apartment buildings shall have a base charge of 0.5 SAC units for each apartment unit, plus 0.25 units for (a) each additional sleeping room beyond the first sleeping room; and (b) any den or study, not to exceed one total SAC unit per apartment unit. The SAC charge for commercial and industrial facilities has been developed. This criterion is based upon the recommendations/standards of the Minnesota Department of Health, the State Building code and the U.S. Department of Health, Education and Welfare. The SAC charge for a multi-purpose room or area in a building, should be determined based upon the use which will generate the greatest discharge. There is a minimum charge of one SAC unit for each new building. The sewer availability charge shall be established by the City Council by resolution. In the event that a current user is approved for a land use change, pursuant to the Hayfield Zoning Ordinance, the SAC corresponding to the appropriate facility designation may be assessed.

Standard Sewer Availability Charge (SAC) Units for Various Commercial, Public and Institutional Facilities.

<u>Type of Facility</u>	<u>Parameter</u>	<u>SAC Unit</u>
ARENAS	110 seats	1
AUDITORIUMS	110 seats	1
AUTOMOBILE SERVICE		
	(Fast service less than 4 hrs. per car) (Major service more than 4 hrs. per car)	
	2 service bays           1	
	14 employees           1	
BALLROOM		
	Facility without liquor service	825 sq. ft.           1
	Facility with liquor service	590 sq. ft.           1
BANK	2400 sq. ft.	1
BANQUET ROOM		
	Food Catered	2060 sq. ft.           1
	Food Catering with dishwashing	1180 sq. ft.           1
	Food preparation and dishwashing	825 sq. ft.           1
	Food preparation, dishwashing w/liquor	590 sq. ft.           1
BARBER SHOP	4 chairs	1
BEAUTY SALON	4 stations	1
BOARDING HOUSE	5 beds	1
BODY SHOP (No vehicle washing)	14 employees	1
BOWLING ALLEY		
	(Does not include bar or dining area)	3 alleys           1
CAMPS		
	Children's camps (central toilet & Bath)	50 gal/occupant ÷ 274 gal.           1
	Day Camps (no meals)	10 gal/occupant ÷ 274 gal.           1
	Labor/Construction Camps	50 gal/occupant ÷ 274 gal.           1
	Resorts (housekeeping cabins)	60 gal/occupant ÷ 274 gal.           1
	Travel Trailer Parks w/individual water & sewer hookup	100 gal/site ÷ 274 gal.           1



w/central toilet & showers	75 gal/site	1
sanitary dump (sites w/o hookup)	÷ 274 gal. 10 gal/site ÷ 274 gal.	1
CAR WASH (SELF-SERVICE)	1 stall	3
CAR WASH (SERVICE STATION)		6
CAR WASH (Requires specification on equipment flow rate and cycle time)		
CHURCHES (for sanctuary only) Remainder use other criteria	275 seats	1
COCKTAIL LOUNGE (No food service)	23 seats	1
DAYCARE (Number of children licensed for)	14 children	1
EXERCISE AREA/GYM	700 sq. ft.	1
GAME ROOM	590 sq. ft.	1
GENERAL OFFICE BUILDING	2400 sq. ft. Net* floor space	1
GROUP HOME	5 beds	1
HANDBALL AND RACQUET COURTS	1 court	2
HOSPITALS (Does not include out-patient clinic)	1 bed	1
LAUNDROMATS (requires water volume for cycle time, 8 cycles per day)	274 gals.	1
MOTELS AND HOTELS (Assume 2 persons/room)	2 rooms	1
NURSING HOME	3 beds	1
RESTAURANT (drive-in)	9 parking spaces	1
RESTAURANT (fast food)	22 seats	1
RESTAURANT	8 seats	1

RETAIL STORES	3000 sq. ft. net** floor space	1
ROOMING HOUSES	7 beds	1
SCHOOLS (Sunday)	55 students	1
SCHOOLS (Elementary)	18 students	1
SCHOOLS (Nursery) – Number of students licensed for	14 students	1
SCHOOLS (Secondary)	14 students	1
SERVICE STATION (Gas pumping only)		1
* Net – square footage – deduct mechanical rooms; elevator shafts, stairwells, rest rooms and storage areas.		
** Net – Deduct mechanical rooms, elevator shafts, stairwells, restrooms and unfurnished storage areas.		
SERVICE STATION (With service center)		2
SERVICE STATION (With service center and car wash)		8
SWIMMING POOLS (Public)	900 sq. ft. pool area	1
TENNIS COURTS (Public)	1 court	2
THEATER	64 Seats	1
THEATER (Drive-In)	55 parking spaces	1
WAREHOUSES	7000 sq. ft.	1

## Part 4: Water Utility

### 704.01. WATER CONNECTION.

**Subd. 1. Connection Required.** Where the City water system is in place adjacent to a property line and the building is within 200 feet of said system, the owner of said property or building shall connect to the available 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. 3.** 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. 4.** 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. 5.** The Superintendent shall prepare, administer, and enforce rules and regulations

governing fees and rates of the City water system.

**SECTION 704.02. WATER AVAILABILITY CHARGES.**

**Subd. 3.** The Water Availability Charge (WAC) shall be assessed to the applicant at the time of application for a connection permit to the sewer system. A WAC unit is based upon water service nominal pipe diameter.

Water Service Size	WAC Unit
≤ 1"	1
2"	2
4"	3
6"	4

If the planned water service size is between the nominal sizes listed above, the WAC fee shall be determined by interpolation. For water services greater than 6" in diameter, the WAC fee shall be calculated by based upon planned average daily water usage in a separate agreement approved by City Council. The minimum number of WAC units for water services greater than 6" diameter is 4.

**704.02. WATER DEFICIENCY AND SHUTOFF; DISCLAIMER.**

The City is 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.

**704.03. REPAIR OF LEAKS AND EQUIPMENT.**

It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. It is the responsibility of the City to maintain the service pipe from the main up to and including the curb stop. These cost responsibilities do not apply to original construction. In case of failure upon the part of any consumer or owner to repair any leak or any service line, stand pipe or curb stop, within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shutoff and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. Following notice as provided by this Section, at the sole option of the City, the City may repair the leak and the service pipe, the stand pipe or curb stop and all equipment associated with the service line, stand pipe curb stop and assess the cost for the repair against the property benefited. The cost to be so assessed may include, but are not limited to, materials, labor and professional fees

and expenses incurred in the repair.

**704.04. ABANDONED SERVICE; DISCONNECTION FEES; IMPROPER DISCONNECTION.**

All service installations connected to the water system that have been abandoned and for any reason are useless for further service, shall be disconnected at the main. Disconnection shall be made within 90 days after written notice from the City, unless approved otherwise. If the owner of the property is unable or unwilling to disconnect the service, such work may be completed by the City and costs associated with said work may be assessed back to the property. The pipe and appurtenances removed from the street right-of-way shall become the property of the City. In the event it is desired to reconnect water service, a new permit shall be obtained and the regular connection charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to improperly remove a pipe from the main. Any such improper work shall be corrected by the City, and the cost incurred shall be the responsibility of the person causing or allowing that improper work to be performed, and any such City cost may be assessed against the subject property.

**704.05. PRIVATE WATER SUPPLIES; CONNECTION PROHIBITED.**

No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply, and when this type of connection is found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City's system are permitted, the City shall ascertain that no cross connections will exist when the new connection is made. When a building is connected to City water, the private water supply shall be permanently disconnected.

**704.06. SHORTGAGES; RESTRICTED USES AND HOURS.**

**Subd. 1. Purpose.** This ordinance establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minnesota Statutes section 103G.291.

**Subd. 2. Definitions.**

- A. **Clerk** in statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151; or the city manager pursuant to Minn. Stat. § 412.601 – 412.751 or in charter cities as determined by city charter.
- B. **Department** means the city water department.

- C. **Emergency** means the declaration of a critical water deficiency by the governor.
- D. **Irrigation** means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.
- E. **Notification to public** means notification through local media, including interviews and issuance of news releases.
- F. **Public water supplier** means the city or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.
- G. **Reclaimed water** means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before re-entering the natural water cycle.
- H. **Water recirculation system** means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

**Subd. 3. Application.**

- A. This ordinance applies to all customers of public water suppliers who own or control water use on any premises.
- B. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.
- C. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

**Subd. 4. Declaration Of Critical Water Deficiency.** Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.

**Subd. 5. Mandatory Emergency Water Conservation Measures.** Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

- A. Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
- B. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other

paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

- C. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
- D. Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- E. Operation of outdoor misting systems used to cool public areas is prohibited.
- F. The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
- G. The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

**Subd. 6. Variances.** The City Clerk or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

**Subd. 7. Violation.**

- A. Violations shall be determined and cited by the City Clerk or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City.

The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.

- B. Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.
- C. Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy.



Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

**Subd. 8. Enforcement.** The City Clerk or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this ordinance.

**Subd. 9. Severability.** If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

#### **704.07. OPENING HYDRANTS RESTRICTED.**

It is unlawful for any person, other than members of the fire department or other persons duly authorized by the City, in the pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person to deliver or suffer to be delivered to any person any hydrant key or wrench, except to City-authorized persons for the purposes strictly pertaining to their lawful use.

#### **704.08. WATER METERS.**

- A. All water meters and fittings shall be installed, maintained, and removed by the property owner at the property owner's expense and in all respects controlled by the City. Any remote-type meter in need of replacement by reason of normal usage shall be furnished by the City; thereafter, the City shall own that meter. City costs associated with supplying replacement meters will be paid by the property owner and invoiced through utility bills. Water meter remote wire shall be installed by the property owner at the property owner's expense.
- B. The City reserves the right to require replacement of meters at any time and for any reason.
- C. The city shall supply first meter for a new connection and the price of said meter is included in the water availability charge (WAC). The owner responsible for the costs of any additional meters requested or meters required for replacement.

#### **704.09. STATE BUILDING CODE; COMPLIANCE REQUIRED.**

All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota State Building Code. Failure to install or maintain the same in

accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any proper owner.

**704.10. COLD WEATHER RULE.**

**Subd. 1. Application; Notice to Residential Property Owners/Occupants.**

- A. The City shall not disconnect the utility service of a property owner/occupant during the period between October 15 and April 15 if the disconnection affects the primary heat source for the residential unit when the following conditions are met:
  - 1. The property owner/occupant has declared inability to pay on forms provided by the City. For the purposes of this Section, a property owner/occupant that is receiving energy assistance is deemed to have demonstrated an inability to pay;
  - 2. The household income of the property owner/occupant is less than 50% of the State median income;
  - 3. Verification of the income may be conducted by the City, unless the customer is automatically eligible for protection against disconnection as a recipient of any form of public assistance, including energy assistance that uses income eligibility in an amount at or below the income eligibility in Subparagraph 2 above;
  - 4. A property owner/occupant whose account is current for the billing period immediately prior to October 15 or who, at any time, enters into a payment schedule that considers the financial resources of the household and is reasonably current with payment under the schedule; and
  - 5. The property owner/occupant receives referrals to energy assistance programs, weatherization, conservation, or other programs likely to reduce the property owner/occupant's energy bills.
- B. The City shall, between August 15 and October 15 of each year, notify all residential property owners/occupants of the provisions of this Section.

**Subd. 2. Notice to Residential Property Owners/Occupants Facing Disconnection.**

- A. Before disconnecting service to a residential property owner/occupant during the period between October 15 and April 15, the City must provide the following information to a property owner/occupant:
  - 1. A notice of proposed disconnection;

2. A statement explaining the property owner/occupant's rights and responsibilities;
3. A list of local energy assistance providers;
4. Forms on which to declare inability to pay; and
5. A statement explaining available time payment plans and other opportunities to secure continued utility service.

**Subd. 3. Restrictions on Disconnection.**

- A. If a residential property owner/occupant is involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions of Subdivision 1, the disconnection shall not occur on a Friday or on a day before a holiday. Further, the disconnection shall not occur until at least 20 days after the notice required in Subdivision 2 has been mailed to the property owner/occupant or 15 days after the notice has been personally delivered to the property owner/occupant.
- B. If a property owner/occupant does not respond to a disconnection notice, the property owner/occupant must not be disconnected until the City investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the City must immediately inform the property owner/occupant of the provisions of this Section. If the unit is unoccupied, the City must give seven days notice of the proposed disconnection to the local energy assistance provider before making the disconnection.

**Part 5. Assessment of Certain Sewer and Water Fees**

**705.01. ASSESSMENT OF CERTAIN SEWER, WATER AND 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, and sewer connection inspection fee.
- B. Water fees: water availability charge, water main connection fee, water connection inspection fee and water meter fee.

(All such sewer and water 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.

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

**Subd. 3. Authority to Assess by Other Means.** Nothing in this Section 705.01 shall prevent the City from collecting or assessing the Utility Fees in any other manner authorized by law.

## **Part 6. Storm Sewer Improvement District**

### **706.01 DEFINITION OF STORM SEWER IMPROVEMENT DISTRICT.**

The Storm Sewer Improvement District shall include all properties located within the official city limits of the City of Hayfield, Minnesota, including all additional properties which may subsequently be located within said city limits due to any expansion of said city limits. For purposes of this ordinance, all references hereafter to the "district" shall be to the Storm Sewer Improvement District as defined above.

### **706.02 AUTHORITY OF COUNCIL; RECOVERY OF COST; IMPROVEMENT PROCEDURES.**

**Subd. 1.** That hereafter the council may acquire, construct, reconstruct, extend, maintain, and otherwise improve storm sewer systems and related facilities within the district. Storm water holding areas and ponds within and without the corporate limits of the City of Hayfield, Minnesota, may also be acquired, constructed, maintained, and improved for the benefit of any such district. The cost of the systems and facilities described in this subsection may be recovered by the tax authorized in the following Section 703.04.

**Subd. 2.** The procedures of Minnesota Statutes, Sections 429.031 to 429.081 shall apply when the council of a municipality determines to make an improvement pursuant to this section.

### **706.03 BONDS.**

At any time after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the council may issue obligations in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing thereof. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to the following Section 709.04. The council may by resolution adopted prior to the sale of obligation pledge the full faith credit, and taxing power of the municipality to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay such principal and interest. Obligations shall be issued in accordance with Minnesota Statutes, Chapter 475, except that an election is not required, and the amount of any such obligations is not included in determining the net indebtedness of the municipality under the provisions of any law or charter limiting such indebtedness.

### **706.04 TAXES.**

The council of the City of Hayfield, Minnesota, may levy on all taxable property within the district such taxes as are necessary to finance the cost of the improvement, including maintenance and to pay the principal and interest on obligations issued pursuant to Section 709.03. Such taxes shall be collected and paid over as other taxes, but shall be spread only upon the property included within the Storm Sewer Improvement District. Such taxes shall be disbursed by the council only for the benefit of said district as established by this ordinance.

### **706.05 DISSOLUTION OF DISTRICT.**

Upon the retirement of all obligations issued to finance improvements within the district, the district may be dissolved by the council of the City of Hayfield, Minnesota, by following the procedures set forth in the Minnesota Statutes.

### **706.06 SENIOR CITIZENS HARDSHIP TAX DEFERRAL.**

Notwithstanding the provisions of any law to the contrary, the council of the City of Hayfield, Minnesota, may, at its discretion, defer the payment of that assessment for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payment.

### **706.07 PROCEDURE TO OBTAIN DEFERRED ASSESSMENT.**

The homeowner shall make application for deferred payment of special assessments on forms prescribed by the county assessor of the county in which the homestead is located. Where the deferred assessment is granted, the assessor shall record a notice thereof with the County Recorder of said county which shall set forth the amount of the assessment. The council of the City of Hayfield, Minnesota, may determine by ordinance or resolution the amount of interest, if any, on the deferred assessment and this rate shall be recorded by the assessor along with an in the same manner as the amount of the assessment.

**706.08 TERMINATION OF RIGHT TO DEFERRED PAYMENT.**

The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:

- a. The death of the owner provided that the spouse is otherwise not eligible for the benefits hereunder;
- b. The sale, transfer or subdivision of the property or any part thereof;
- c. If the property should for any reason lose its homestead status; or
- d. If for any reason the taxing authority deferring the payments shall determine that there would be no hardship to require immediate or partial payment.

**706.09 SAVINGS CLAUSE.**

If any section, sentence, clause or phrase of this ordinance is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The council of the City of Hayfield, Minnesota, hereby declares that it would have passed this ordinance and each section, clause, and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses and phrases be declared unconstitutional.