

NEW SCANDIA TOWNSHIP

ORDINANCE NO. 27

AN ORDINANCE AMENDING SECTION 701.02 OF ORDINANCE NO. 23 BEING THE TOWN OF NEW SCANDIA SUBDIVISION ORDINANCE.

The Town Board of Supervisors of New Scandia Township does ordain:

Section 701.02 of Ordinance No. 23 is amended as follows:

701.02. Street Pavement. The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as shown below. However, a minimum of six (6) inches of class 5 and two (2) inches of bituminous is required. More stringent design may be required by the engineer.

Classification	Pavement Design; Axle Load
Arterials, Collector Street	As determined by traffic needs
Local Streets	7 ton minimum

This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

Adopted by the Town Board of New Scandia Township this 4<sup>th</sup> day of April, 1989.

By: Russell Jackson  
Russell Jackson, Chairman

Attest:

Dolores Peterson  
Dolores Peterson, Clerk

507. Establishment of Special Accounts. The City/Town hereby establishes a Wastewater Service Fund into which all revenue collected from users will be deposited for disbursements into the general operating fund and the replacement fund. For the purpose of community and cost accounting records, this fund is designated as an income account. Revenue sufficient to insure adequate replacement shall be held in the replacement fund separate from the operation and maintenance fund. Separate accounting shall insure the integrity of these funds and that interest accrues proportionately to each fund.

SECTION 6. ADMINISTRATION

601. Applicability.

601.01. This Ordinance shall apply and be in effect for the stated purposes within the "201" study areas in the City/Town of New Scandia.

601.02. Enforcement.

- (1) The Town/City Clerk/Administrator shall be responsible for administration and enforcement of this Ordinance.
- (2) The Clerk/Administrator or his/her agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current Individual Sewage Treatment System Certificate and a current Class D operators certificate.

601.03. Appeals and Variances.

- (1) The City Council/Town Board shall hear and decide appeals and review any order, decision or determination made by the Clerk/Administrator regarding the enforcement of this Ordinance.
- (2) The <sup>Town Board</sup> ~~Board of Adjustment & Appeals~~ shall hear and act upon all rate adjustment and variance requests.
- (3) Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by a decision.

## SECTION 7. ENFORCEMENT

### 701. Violations and Penalties.

701.01. Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past-due notice shall be issued to the billed party. The past-due notice shall contain an additional charge to cover the costs of the rebilling. Additional delinquent notices including their respective charges shall be sent at eight (8) and twelve (12) weeks after the billing date. Should a bill still be delinquent after one hundred twenty (120) days, the City/Town may elect to take the following actions:

- (1) Whenever wastewater service charge bills become delinquent, the amount due shall be certified to the County Auditor for inclusion with the following year's tax statement.
- (2) Lien. Whenever wastewater treatment bills become delinquent, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:
  - (a) a description of the real estate, sufficient for the identification thereof, upon or for which the sewage service was supplied;
  - (b) the amount of money due for such sewage service; and
  - (c) the date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statutes, the City/Town may foreclose the lien in the same manner and with the same effect as the foreclosing or mortgages on real estate.

- (3) Civil Action. In the alternative of levying a lien, the City/Town may, at its discretion, file suite in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the City/Town in filing the civil action. Such attorney's fees shall be fixed by order of the court.

701.02. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of twelve percent (12%) per annum.

701.03. The City/Town reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment becomes delinquent.