

## **ALASD Mandatory Connection to Public Sewer Ordinance No. 4**

**Section.1. Preface.** The Board determines that it is necessary to accomplish the ALASD mission of protecting the public health, safety and welfare of its citizens by the prevention, control and abatement of water pollution within the ALASD and will provide a sufficient quantity of sewer customers to assure effective and efficient operation.

**Section.2. Existing Buildings.** The owner of any building generating wastewater that is located on land that abuts upon or is adjacent to any public street, road or easement that contains a gravity sewer shall connect all such buildings to the public sewer, if any building on such land is located within 300 feet of such gravity sanitary sewer.

**Section. 3. Future Construction.** All buildings, other than buildings which generate animal or other agricultural waste, that are completed after the effective date of this ordinance that are constructed on parcels that are adjacent to or abutting upon any public street, road or easement that contains a gravity sanitary sewer, shall be required to connect to the gravity sanitary sewer.

**Section. 4. Subdivisions.** All subdivisions that are platted and accepted by the County Board after the effective date of this ordinance shall provide each separate parcel in said subdivision with public sanitary sewer.

**Section. 5. Existing On-site Systems.** Any buildings generating waste water, that is on land adjacent to or abutting upon any public street, road or easement that contains a gravity sanitary sewer, and which building is within 300 feet of such road, street or easement shall not be permitted to do corrective work on any on-site sewage disposal system if, in the opinion of the executive director or Douglas County, the system is failed or is not performing properly. The owner of such building shall be required to make connection to the public gravity sanitary sewer within 30 days following receipt of written notice from the executive director or Douglas County.

**Section. 6. Mandatory Connection Date.** All buildings required to be connected to the public sanitary sewer pursuant to this ordinance, shall make such connection on or before the following dates:

- (a) Newly constructed buildings shall connect prior to commencement of use of the building.
- (b) Existing buildings not previously governed by this ordinance shall connect within five (5) years from the date public sanitary sewer becomes available for connection.

**Section. 7. 90-Day Notice to Connect.** Should any sewer connection as required in Subdivision 6 of this ordinance not be made by the required time limit, the executive director shall serve the property owner with a written notice giving such property owner 90 days within which to make the necessary connections. The property owner so served shall make the required

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connection within 90 days of the receipt of such written notice.

**Section. 8. Connection by the ALASD.** Should any property owner fail to make the connection as required by this ordinance in a timely manner, whether by the date required by this ordinance or within the 90 days following written notice of the executive director, the board may make connection of that property owner's building to the public sewer and levy the cost of such connection against the property as a special assessment in accordance with Minnesota Statutes Chapter 444.

**Section. 9. Deferment.** The board may grant deferment of assessment for any homestead property owned by a person 65 years or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. This provision must be included in the special assessment notice to all properties being assessed for WTEF. The board will establish by resolution criteria for determining eligibility for a deferral.

**Section. 10. User Charge.** Any property owner who has not made the required connection to the public sewer by the date specified in this ordinance, or within the 90 day period following notification by the executive director, shall be levied the regular user charge for the property and building involved as specified in User Charge Ordinance No. 3. Such levy and user charge to be collected from the date of the required connection to public sewer.

### **Section 10. - Validity and Effective Date**

**Subdivision 1.** Any person violating any provisions of this ordinance shall become liable to the ALASD for any expense, loss or damage occasioned by the ALASD by reason of such violation.

**Subdivision 2.** If any portion of this ordinance is ruled invalid by any court of competent jurisdiction, or by reason of any existing or subsequently enacted legislation, the remaining portions or provisions of this ordinance shall continue to have full force and effect.

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**APPROVED** first reading on the 10<sup>th</sup> day of July 2013 by the following vote:

Yes: Hayes, Clasen, Waldorf, Thalman, Jensen, Searcy, Lerohl, Schmidt, Eldevik,  
Nelson, Nolting and Dahlheimer

No: None

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Paul Nelson, Chairman

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Don Nolting, Secretary

**ADOPTED** by the Board of the Alexandria Lake Area Sanitary District this 14<sup>th</sup> day of August 2013 by the following vote:

Yes: Rod Eldevik, Jim Jenson, Gaylen Lerohl, Paul Nelson, Don Clasen, Roger Thalman, Tom Hayes, Dwayne Waldorf, Don Nolting Steven Schmidt, Joe Dahlheimer and Tom Searcy.

No: None

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Paul Nelson, Chairman

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Don Nolting, Secretary