

PROPOSED RULE

Highlighting key:

- / / Clarifying charge basis and criteria for exempting otherwise buildable lots
- / / Clarifying/correcting appeal procedures
- / / Correcting interest/penalty provisions
- / / Housekeeping

Section 2.0

Account shall mean a record associated with a person or Government Unit owning or occupying improved or buildable property for which a Watershed District Sewer System is available and that is not exempt.

Deleted: of sewer services used by each property and the periodic costs for those sewer services

Available shall mean:

- (a) physically connected to a principal structure;
- (b) readily susceptible to use by means of an existing system connection stub; or
- (c) susceptible to use by a formerly non-buildable parcel that has become buildable, or a new buildable parcel resulting from a subdivision or lot split, in each case after formal Watershed District notice to the property owner that there is System capacity to serve the parcel and that a connection can be provided.

Buildable shall mean that the laws and ordinances of the land use authority allow for a principal residential structure to be located on the parcel.

Watershed District Sewer System shall mean facilities owned or operated by the Watershed District, used for providing community sanitary sewage collection and treatment service.

Section 4.0

4.2.a [unchanged]

4.2.b [unchanged]

4.2.c All persons or Government Units owning or occupying improved or buildable property within the district for which Watershed District Sewer System service is available shall have created for them an Account. All Accounts shall be carried in the name of the owner, or if the property is rental property, in the name of the renter. However, the property owner shall be liable for sewer service charges to the property, whether or not the owner is occupying the property, and any unpaid charges shall be a lien upon the property.

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4.2.d An improved or buildable parcel for which a System is available is exempt from charges under any of the following circumstances: (i) The parcel is buildable, but the owner provides a

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written statement by a responsible official of the land use authority or the State of Minnesota that the parcel is considered to be not buildable.

(ii) The parcel is unimproved but buildable, but is legally combined with one or more parcels and the effect of its combination is that the number of legally buildable parcels for the combined land is reduced by one.

(iii) The parcel is improved, but it is legally combined with one or more parcels, the land use authority no longer permits an inhabitable primary structure on the parcel, and the existing structure is physically disconnected from the system.

A parcel owner who seeks to eliminate an Account must supply the documentation to support the request. On receipt of adequate documentation, the Watershed District administrator will present the matter to the Board of Managers for consideration. The administrator may independently review and seek to verify the submitted documentation and, at any time, may independently examine and recommend adjustment of Account status under this policy.

On approval by the Board of Managers, Account status will be adjusted accordingly, effective as to all prospective charges. Past due amounts will not be forgiven, nor will the Watershed District reimburse previously collected fees or other collections such as interest charges or penalties.

4.2.e The Sewer Rate Schedule is adopted periodically for each Watershed District Sewer System by order of the Board of Managers. It sets the annual charge for each Account by allocating the annual operation and maintenance budget. In accordance with the authorizing law for the charge system, an Account owner may appeal a charge under Minnesota Statutes §103D.535 by filing a notice with the district court or the Minnesota Board of Water and Soil Resources within 30 days of the date of the order.

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4.2.f [formerly 4.2.d] Sewer service charges shall be billed on one bill as applicable to each Account. All bills shall contain the address and telephone number of the person in charge of billing. The address and telephone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth day of January, April, July, and October of each year and specify the sewer service charges, in accordance with the current Sewer Rate Schedule set by resolution of the Board of Managers. All charges for sewer service shall be due upon receipt of the bill and considered delinquent after the twentieth day following the date of the billing. The billing date is defined as the first day of each calendar quarter. Interest on a delinquent Account will accrue at the maximum rate permitted by Minnesota Statutes §444.075, subdivision 2a(b).

Deleted: of eight percent (8.0%), retroactive to the billing date, for all Accounts in a delinquent status. Delinquent status is defined as all amounts remaining unpaid twenty days after the billing date. A late fee of ten dollars (\$10) will be added to any Account's bill when said bill becomes delinquent, and the late fee will reoccur for each billing period as defined by the Sewer Rate Schedule until the delinquent bill is paid or is certified to the county

4.2.g [formerly 4.2.f] The Board of Managers resolution setting out the Sewer Rate Schedule shall also establish the date for certifying delinquent Accounts to the county in which the property is located. At least one certification date shall be timed each year to coincide with the requirements of the county in which the property is located for certification to the following year's taxes. Additional certification dates may be set in the Sewer Rate Schedule resolution. Any Account, unless exempt for other legal reasons, which has been sent a bill and which is now delinquent and remains unpaid as of the certification date, shall have the balance on the Account, including interest, included in a preliminary certification list.

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4.2.h [formerly 4.2.g and 4.2.h] Unpaid charges on Accounts shall not be certified to the county auditor until notice and an opportunity to be heard by the Board of Managers have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid, including interest, shall be certified to

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the county auditor for collection as other taxes are collected, **and with such interest and penalties as are provided for by law.** The notice shall also state that the owner, before such certification date, **may be heard by the Board of Managers as to the** certification of unpaid charges. The owner of the property shall have the option of paying the balance due on the Account until and during the **Board's consideration of** certification; however, all accrued interest must be paid.

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4.2.i Property owners with unpaid sewer charges shall have the opportunity to object to the certification of the unpaid charges to be collected as taxes are collected. **Matters relating to the charges that have become final by failure to appeal under paragraph 4.2.a. above, will not be considered under this paragraph.** If, after **consideration, or if the owner has not timely requested consideration,** the Board of Managers finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges shall not be certified for collection with taxes in accordance with this rule, the Watershed District may certify the unpaid charges to the county auditor for collection as other taxes are collected.

4.2.j For each certification sustained, the property owner shall have the following options after the hearing:

(i) To pay the delinquent amount, with **additional** accrued interest from the day of the **Board of Managers' determination.**

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(ii) To pay the certified charges, **including interest and penalties,** as billed to them by the county in which the property is located, on their property tax statement with a collection term of one year.

Section 5.0

Pursuant to the Minnesota Watershed Act, every rule and regulation adopted by the Board of Managers shall have the full force and effect of law. **The Watershed District may enforce** any provision of these Rules and Regulations or any order or stipulation agreement made by the Board of Managers pursuant to Sections 103D.545 and 103D.551 of the Minnesota Statutes, or **by** other appropriate action.

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