

604. Elimination of a Sanitary Sewer Account for a Parcel Served by a CRWD-owned Sewer

Purpose

The following policy has been adopted by the Clearwater River Watershed District (CRWD) Board of Managers to clearly state how quarterly operation and maintenance charges for District-owned sanitary sewer systems will be adjusted for changes in parcel status that affect buildability.

Background

CRWD Rule 4.2(c) states:

All persons or Government Units owning or occupying property within the district for which sanitary sewer service has been made available by a Watershed District Sewer System shall have created for them an Account.

Rule 2.0 defines an Account as “a record of sewer services used by each property and the periodic costs for those sewer services.”

Each parcel located on a CRWD-owned sanitary sewer system has an account for the collection of quarterly fees to provide for the operation & maintenance of the system. The CRWD adopts a Sewer Rate Schedule that establishes these quarterly fees. Fees differ among CRWD-owned systems, but within the service area of each individual system, a uniform rate is charged against all buildable parcels that are connected or have an available connection to the system.

Sanitary sewer charges are governed by Minnesota Statutes §444.075. Under this statute, charges may be based on “any equitable basis,” including “[m]inimum charges for the availability of ... service” against properties for which a system connection is available. Under Rules 2.0 and 4.2, the Board applies a uniform quarterly fee in the nature of an availability charge against each buildable parcel with an available connection, whether or not the owner discharges to the system, and whether or not the parcel is improved with a primary structure. The Board considers a property to use and benefit from sewer services by having a connection that is available and that supports the value of the property for its allowable use.

In addition to administrative simplicity, this approach is equitable because, among other reasons, it provides predictability for all owners sharing system costs; requires each property owner to contribute to the maintenance of a system that supports property value, whether the property is improved or not; and is consistent with the fact that the CRWD does not measure flows or base the charge on a quantity of flow.

Policy

Because the equitability of the CRWD’s charge approach rests on parcel buildability, if the buildable status of a parcel changes, it is appropriate to adjust the account status. Accordingly, the CRWD will make adjustments as follows:

1. A parcel is considered buildable if the laws and ordinances of the land use authority allow for a principal residential structure to be located on the parcel. Service is considered available if the parcel is among the parcels, or within the geographic area, identified for service in the establishment of the sewer system.
2. The CRWD will eliminate a sewer service account for a parcel otherwise classified as buildable if the parcel owner provides a 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.

3. The CRWD will eliminate a sewer service account for an unimproved but buildable parcel if it 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.
4. The CRWD will eliminate a sewer service account for an improved parcel legally combined with one or more parcels if the land use authority no longer permits an inhabitable primary structure on the parcel and the existing structure is physically disconnected from the system.
5. The CRWD will create a sewer service account for each added parcel resulting from a lot split, if the added parcel meets the above definition of buildable and the CRWD has determined that the system has capacity to accept discharge from the parcel.
6. A parcel owner who seeks to eliminate a sewer service account bears the burden of supplying the documentation to support the request. On receipt of adequate documentation, the CRWD administrator will bring this matter to the next CRWD Board regular meeting 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.
7. On approval by the CRWD Board, the applicable account will be adjusted accordingly, effective as to all prospective charges. Past due amounts will not be forgiven, nor will the CRWD reimburse previously collected fees or other collections (e.g., interest charges, late fees).