

ORDINANCE 261

AN ORDINANCE AMENDING ORDINANCE 200, REGULATING THE USE OF PRIVATE WATER AND SEWER SYSTEMS WITHIN THE CITY OF ARLINGTON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

This ordinance amends and supersedes Ordinance 200 and all other ordinances not in conformance with this ordinance.

PRIVATE WATER SYSTEM UNLAWFUL:

- A. It shall be unlawful for any person to install a new private or community water system and/or well in the city limits.
- B. In newly platted areas, only lots that have city water and sewer service can be issued a building and occupancy permit. In no circumstances will new private wells be allowed.
- C. For those households within city limits that currently do not have city water connections and have private wells, mandatory hookup to city water will be required prior to transfer or sale of property, when private well fails, or no later than September 1, 2020, whichever of said three events happens first.
- D. To determine whether or not such public water is available for an existing private connection each person or corporation must make application for connection to the public system within 60 days of adoption of said ordinance.

Upon determination of the Code Enforcement Officer that access to the public water system is not within 500 feet of the applicant's structure that requires the public water system and the Council determines that it is not financially feasible for the City to provide access to connect the applicant's premises to the public water system, then the applicant shall be granted a permit to continue the use of their private system (well) for a maximum increment of two (2) years. After the application expires, the process would have to be repeated and reviewed. Properties that are using the public sewer system and a private well as a water supply shall attach an automated metering system to the private well that will be read by city staff for billing usage of the public sewer system until the property is connected to the public water system. Cost of the automated metering system shall be billed to the property owner. Each well shall be tested yearly by the owner or by the City and the results reported to the City.

A fee may be charged for this permit with costs set by Council resolution.

- E. All existing private wells within city limits that are on property already connected to the city water system and are not being used solely for ground irrigation will be sealed at the property

owners expense and in accordance with Minnesota Department of Health requirements on or before October 1, 2007.

F. Owners of existing private wells must present the City of Arlington with documentation of completion of sealing the private well by October 1, 2007.

G. ABATEMENT: The Code Enforcement Officer shall be charged with the enforcement of verifying sealing of any non-permitted private wells that exist on premises in the City. The Officer shall notify in writing the owner or occupant of the premises of such fact and order that such well be sealed. The notice shall be served in person, or by certified or registered mail. If the notice is not complied with within the time specified (60 days), the Enforcement Officer shall report that fact forthwith to the City Council. Thereafter the City Council shall cause the well to be sealed by the City.

H. RECOVERY OF COSTS: Personal Liability: The owner of premises on which the City has sealed a well shall be personally liable to the City for the cost of the sealing, including administrative costs. As soon as the work has been completed and the costs determined, the City Clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the Office of the City Clerk.

I. ASSESSMENT: Once the well is sealed and payment is not received, the City Clerk shall, on or before December 1 next following the abatement of the well, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes Section 429.101, or any laws amending or replacing such law, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, not exceeding ten (10) years as the City Council may determine in each case.

J. PENALTY: Any violation of this Ordinance shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, or any laws amending or replacing such law.

K. PROPERTIES EXEMPT: Properties that pose a financial burden to the City when considering the extension of the public water system to the property may be deemed exempt from this ordinance. Exemption from this ordinance is at the sole discretion of the City Council based on the financial burden to the City. If the City Council grants such an exemption, it must do so by adopting a resolution exempting a parcel or parcels from this ordinance. The resolution shall state the reason for the exemption and that the exemption would be reviewed periodically.

PRIVATE SEWER SYSTEM UNLAWFUL:

A. It shall be unlawful for any person to install a new private or community sewer system in the city limits.

B. In newly platted areas, only lots that have city water and sewer service can be issued a building and occupancy permit. In no circumstances will new private sewers/holding tanks be allowed.

C. For those households within city limits that currently do not have city sewer connections and have private sewer/holding tanks, mandatory hookup to city sewer will be required prior to transfer or sale of property, when private septic system fails, or no later than September 1, 2020, whichever of said three events happens first.

D. To determine whether or not such public sewer is available for an existing private connection each person or corporation must make application for connection to the public system within 60 days of adoption of said ordinance.

Upon determination of the Code Enforcement Officer that access to the public sewer system is not within 500 feet of the applicant's structure that requires sewer services and the Council determines it is not financially feasible for the City to provide access to connect the applicant's premises (structure) to the public sewer system, then the applicant shall be granted a permit to continue the use of their private sewer system for a maximum increment of two (2) years. The applicant shall provide a valid Certificate of Compliance for the private sewer system with the application. All private sewer systems must comply with Minnesota Rules Chapter 7080 and the City of Arlington's Septic Ordinance. After the application expires, the process would have to be repeated and reviewed. A fee may be charged for this permit with costs set by Council resolution.

E. All existing private sewers within city limits that are on property already connected to the city sewer system will be removed and rendered inoperable (i.e. pumped and filled with dirt or sand) at the property owner's expense and in accordance with Minnesota Department of Health requirements on or before October 1, 2007.

F. Owners of existing private sewers must present the City of Arlington with documentation of completion of dismantling the private sewer by October 1, 2007.

G. **ABATEMENT:** The Code Enforcement Officer shall be charged with the enforcement of verifying sealing of any non-permitted private sewers that exist on premises in the city. The Officer shall notify in writing the owner or occupant of the premises of such fact and order that such sewer be dismantled. The notice shall be served in person, or by certified or registered mail. If the notice is not complied with within the time specified (60 days), the Enforcement Officer shall report that fact forthwith to the City Council. Thereafter the City Council shall cause the sewer to be dismantled by the City.

H. **RECOVERY OF COSTS: Personal Liability:** The owner of premises on which the City has dismantled a sewer shall be personally liable to the City for the cost of the work, including administrative costs. As soon as the work has been completed and the costs determined, the City Clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the Office of the City Clerk.

I. ASSESSMENT: Once the sewer is sealed and billed to the owner, the City Clerk shall, on or before December 1 next following the abatement of the sewer, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes section 429.101, or any laws amending or replacing such law, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, not exceeding ten (10) years as the City Council may determine in each case.

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This ordinance shall become effective immediately upon publication.

For the City of Arlington:

/s/ James R. Kreft
By James R. Kreft
It's Mayor

/s/ Matthew Jaunich
By Matthew Jaunich
It's City Administrator

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