

ORDINANCE NO. 1088

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE COMPLETION OF NECESSARY REPAIRS OR CORRECTIONS TO SANITARY SEWER SERVICE LATERALS NOT IN COMPLIANCE WITH CITY CODE AND FOR ASSESSING THE COSTS OF NECESSARY REPAIRS OR CORRECTIONS COMPLETED BY THE CITY

The City Council of the City of Waseca, Minnesota does hereby ordain:

Section 1. AMENDMENT OF MUNICIPAL CODE, TITLE V, PUBLIC UTILITIES, CHAPTER 53, SEWERS, SECTION 53.33, INFLOW AND INFILTRATION. Section 53.33 of the Waseca Municipal Code is hereby amended as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; section which are only proposed to be re-numbered are only set forth below as to their number and title):

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(H) *Corrections.*

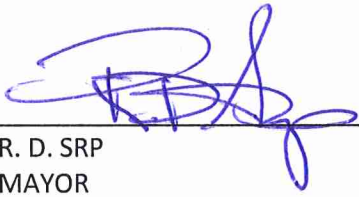
(2) Repairs and corrections necessary to bring any properties found to be non-compliant by the inspection required in paragraph (G) of this section into compliance with this section shall be completed within ninety (90) days of the date of notice of noncompliance for repairs or corrections that do not require excavation of the property (outside or inside the dwelling or structure). Repairs or corrections that require excavation of the property must be completed within one-year (365 days). The property owner shall request a second inspection of the property within ten (10) calendar days after completion of the repair(s) or correction(s), which inspection shall be completed as determined by the enforcement authority. A property owner may appeal a notice of noncompliance and any required repair(s) or correction(s) ordered pursuant to paragraph (M) of this section. If the city council, after hearing an appeal, orders the property owner to complete the repair(s) or correction(s), or if no timely appeal is submitted, and the repair(s) or correction(s) are not timely completed, the city may enter onto the property and cause the necessary repair(s) or correction(s) to be completed at the expense of the property owner.

(3) The owner of the property on which a sanitary sewer lateral is located shall be responsible for the cost of all repair(s) or correction(s) necessary to bring the property into compliance with this section, in addition to the cost of any preventative maintenance the owner may find necessary to keep the property in compliance with this section. The owner of property on which repair(s) or correction(s) have been completed by the city pursuant to paragraph (H)(2) of this section, is personally liable to the city for the cost or the repair(s) or correction(s), including, without limitation, administrative costs, court fees and costs, consultant engineer and/or contractor services, fees, and expenses, and attorneys' fees, if applicable. Unpaid charges constitute a lien against the property benefitted by the repair(s) or correction(s) on and after the date they were incurred by the city. As soon as the repair(s) or correction(s) have been completed and the cost determined by the enforcing officer, an appropriate city official will prepare a bill/invoice for such cost and mail it to the property owner or other responsible party for payment thereby. Such amount shall be due and payable to the city within 30 days of the date the city's invoice is issued.

(4) If any cost of repair(s) or correction(s), or any portion of such cost, has not been timely paid under paragraph (H)(3) of this section, the city council may, at any time thereafter, certify the unpaid charge to the county auditor as a lien against the property to which the cost is attributable. Before certification of an unpaid charge as a lien against the property under this paragraph, the city shall provide reasonable written notice of the impending certification and an opportunity to be heard by the city council to the property owner. For purposes of this section, the property owner shall be the taxpayer of record on file with the county auditor. Failure of the property owner to receive the assessment notice will not invalidate the certification, provided reasonable written notice was sent by mail to the property owner's publicly listed address in the county auditor's taxpayer records. The city council may certify the unpaid charges so assessed to the county auditor for collection along with current property taxes in the manner of a special assessment in the following year or in annual installments, not exceeding ten, as the city council may determine in each case.

Section 2. This Ordinance shall take effect 10 days after its passage and publication.

Adopted this 4th day of May, 2021.



R. D. SRP
MAYOR

Attest:



Mike Anderson
Assistant to the City Manager

Introduced: April 20, 2021
Adopted: May 4, 2021
Published: May 13, 2021
Effective: May 14, 2021