

**ORDINANCE FOR THE OPERATION AND ADMINISTRATION OF AN
INDIVIDUAL SEWAGE TREATMENT SYSTEM LOAN PROGRAM**

WHEREAS: Minnesota Statute 115.57 titled Sewage Treatment System or Water Well Loan Program, provides Counties the authority to establish a Loan Program to assist property owners in financing the replacement of failing individual on-site sewage treatment systems (ISTS): and

WHEREAS: The County has in place: ordinances in compliance with Section 115.55 that are in full force and effect and the staff to administer and monitor the ISTS Program: and

WHEREAS: The County Board of Commissioners, following proper legal notice, held a public hearing on said ordinance: and

NOW, THEREFORE: Be it resolved that the Kandiyohi County Board of Commissioners hereby adopts “ An Ordinance for the Operation and Administration of an Individual Sewage Treatment System Loan Program”.

This Ordinance shall become effective after adoption and upon publication thereof.

Adopted this 3rd day of July 2001.

ATTEST: _____
County Auditor

Chairperson Kandiyohi County
Board of Commissioners

AMENDED

Recommended by Planning Commission:

Date: April 8, 2002 Signed: _____
Chairman

Amendments Passed and Approved this 7th day of May, 2002

Chair, Kandiyohi County Board

Attest: _____
County Auditor

Published September, 2003

**KANDIYOHI COUNTY ORDINANCE FOR THE OPERATION AND
ADMINISTRATION OF AN INDIVIDUAL SEWAGE TREATMENT
SYSTEM LOAN PROGRAM**

ORDINANCE NO. 30

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THE COUNTY BOARD OF KANDIYOHI COUNTY ORDAINS:

SECTION 1.0

1.1 STATUTORY AUTHORITY AND SCOPE.

- A. Pursuant to Minnesota Statutes 115.57 this ordinance is adopted to provide for the creation of a public loan program to finance the site evaluation, design, installation and replacement of failing individual sewage treatment systems. It allows local government agencies to lend State funds or their own funds for this purpose.

SECTION 2.0

2.1 DEFINITIONS.

- A. Terms used in this Ordinance will be used pursuant to the definitions provided in Chapter 115 of the Minnesota Statutes and Chapter 7080 of the Minnesota Pollution Control Agency Rules, as amended, and the Kandiyohi County Sewage Treatment Ordinance number 27. If a definition in the County Ordinance is inconsistent with a definition provided in State Statute or Agency Rule, for the purpose of this Ordinance, Kandiyohi County Ordinance definitions are controlling.

SECTION 3.0

3.1 GENERAL PROVISIONS

- A. The Kandiyohi County Board of Commissioners hereby establishes a loan program to assist property owners to replace failing residential individual onsite sewage treatment systems in Kandiyohi County. Loan proceeds shall not be used for new construction of ISTS.
- B. The property owner shall make application to the Kandiyohi County Environmental Services Office on the application provided by the Environmental Services Office. The application shall initially be reviewed by the Environmental Services Office to determine whether or not the property lies within an area eligible for a low interest loan, and that loan funds are currently available. The applicant shall identify the MPCA licensed contractor selected by the qualifying owner to make the necessary corrections to the failing individual sewage treatment system, and shall include a site evaluation and design report by the licensed contractor.

- C.** Kandiyohi County may lend to a qualifying property owner such sums, for correction of failing ISTS, as shall be recommended by the Kandiyohi County Environmental Services Office, at an interest rate to be established by resolution of the Kandiyohi County Board of Commissioners from time to time.
- D.** Upon approval by the Kandiyohi County Environmental Services office qualifying property owners shall be notified in writing that the application has been approved, and the property owner shall then commence work on the project immediately thereafter, and notify the Environmental Services Office of the date of commencement and projected date of completion of the project. If an application is denied, the Kandiyohi County Environmental Services Office shall also notify the applicant.
- E.** No application shall be approved in the event that real estate taxes due on the subject real property are unpaid or otherwise in arrears.
- F.** Upon completion of the correction of the failing ISTS the contractor shall submit the final bill to the Kandiyohi County Environmental Services Office. The contractor shall certify that the amount to be paid by Kandiyohi County shall be applied only to specified ISTS improvements as described on the application form.
- G.** After review by the Environmental Services Office payment shall be made by the Kandiyohi County Treasurer's Office to the contractor, for the amount awarded hereunder, after receipt of the funds from the Minnesota Pollution Control Agency or other fiscal agent.
- H.** All sums loaned under the Kandiyohi County low interest loan program, and accrued interest thereon, shall be a lien against the real property upon which the improvement was made, and shall be assessed against the property benefitted over a period of ten (10) years, unless the amount is prepaid. There shall be no penalty for prepayment.
- I.** The low interest loan application form shall be signed by the applicant under oath. Any false or misleading statement of a material fact on an application to the Kandiyohi County Low Interest Loan Program shall be a misdemeanor, and shall be punishable as provided by law.
- J.** Replacement septic systems shall be constructed in accordance with Minnesota Statutes 115.55 and 115.57 and the terms of the Kandiyohi County Sewage Treatment Ordinance, including, but not limited to the following provisions.

K. All construction, replacement and repairs made to failing individual sewage treatment systems under this ordinance shall be performed by a MPCA licensed individual sewage treatment professional contractor.

L. All work performed shall comply with agency rules adopted pursuant to Minnesota Statute 115.55 Subdivision 3 and other applicable County Ordinance requirements.

SECTION 4.0

4.1 SEVERABILITY

If any part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.