

## **AN ORDINANCE ESTABLISHING A LOAN PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS AND WATER WELLS**

The Board of Commissioners of Dodge County, Minnesota, does hereby ordain and adopt this Ordinance to establish and administer a low interest public loan program to assist private landowners in financing the site evaluation, design, installation, repair, or replacement of subsurface sewage treatment system or for the sealing or replacement of wells on privately owned property.

### **SECTION 1: GENERAL PROVISIONS**

#### **1.1 PURPOSE**

This ordinance is adopted to provide for the creation of a public loan program that assists private property owners in the financing site evaluation, design, installation, repair, or replacement of subsurface sewage treatment system or for the sealing or replacement of wells on privately owned property. Such loan program promotes the public health and welfare by preventing, reducing, and eliminating water pollution from individual subsurface sewage treatment systems or wells that have been poorly constructed or improperly located, or are pumping water from a contaminated aquifer.

#### **1.2 AUTHORITY**

Dodge County may establish a subsurface sewage treatment system and well program pursuant to authority granted under Minnesota Statutes §115.57, §394.25 and Minnesota Rules Chapters 7080-7083.

#### **1.3 DEFINITIONS**

- A. **“Activity”** and **“Project”** means, site evaluation, design, installation, repair, or replacement of subsurface sewage treatment system or for the sealing or replacement a water well.
- B. **“Subsurface Sewage Treatment System or SSTS”** defined in this ordinance is an individual subsurface sewage treatment system or ISTS that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated

final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less, or a holding tank, serving a dwelling, other establishment, or a group thereof.

- C. **“Property Owner”** means the owner or owners as recorded on the tax roll of Dodge County where the real property on which the subsurface sewage treatment system or well is installed, repaired, or replaced is located.
- D. **“Applicant” and “Borrower”** means individual or multiple property owners applying for low-interest loan.
- E. **“Improvement”** means the site evaluation, design, installation, repair, or replacement of subsurface sewage treatment system or for the sealing or replacement of a well.
- F. **“Well”** means well as defined by Minnesota Statutes § 1031.005, Subd 21

## **SECTION 2: ADMINISTRATION**

### **2.1 ADMINISTRATOR**

Dodge County Environmental Services Department staff shall administer the loan program for Dodge County.

### **2.2 FUND DISBURSEMENT PRIORITIES**

Loan funds shall be disbursed to eligible property owners meeting the Dodge County Environmental Services adopted loan program policy criteria.

### **2.3 ASSESSMENTS**

An amount loaned under the program, including accruing interest, shall be a recorded lien against the real property for which the improvement was made and shall be assessed against the property or properties benefited unless the amount is prepaid. An amount loaned under the program and assessed against the property shall be a priority lien only against subsequent liens. The property owner has the right to prepay the entire assessment.

## **SECTION 3: APPLICATION AND APPROVAL**

### **3.1 APPLICATION**

The property owner shall obtain an application from the Dodge County Environmental Services Department and submit the completed application to Dodge County Environmental Services.

### **3.2 ELIGIBILITY VERIFICATION**

The Environmental Services Department staff shall verify that the activity is eligible for funding under the terms of this ordinance and the loan program policies adopted by the Dodge County Environmental Services Department.

### **3.3 APPROVAL REQUIRED**

Work on the project shall begin after applicant has received approval and entered into a loan agreement with Dodge County.

All improvements made to SSTS or wells under this ordinance shall be performed by a licensed SSTS professional and/or licensed water well contractor and shall comply with the agency rules adopted pursuant to Minnesota Statute §115.55, Subd. 3 and other applicable requirements.

### **3.4 SITE INSPECTION**

Dodge County Environmental Services shall inspect the site to verify compliance with all applicable requirements. Requirements shall be included in the loan program policies adopted by the Dodge County Environmental Services Department.

## **SECTION 4: LOAN FINANCING TERMS**

Loan financing terms, such as maximum loan amount, interest, term, payment schedule, fees shall be included in the loan program policies adopted by the Dodge County Environmental Services Department.

## **SECTION 5: INELIGIBLE ACTIVITIES**

### **5.1 GENERAL INELIGIBILITIES**

Cost incurred before the effective date or after the termination date of the loan agreement with the property owner or before approval by the Environmental Services Department are ineligible for payment through the loan program.

Ineligible activities shall be included in the loan program policies adopted by the Dodge County Environmental Services Department.

## **SECTION 6: GENERAL PROVISIONS**

### **6.1 LIABILITY**

This Ordinance shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, or installing any subsurface sewage treatment system or disposing of septage for damage to persons or real property or any injury. The Administrator of the Dodge County Loan Program and Dodge County assumes no responsibility for the proper, safe, and efficient functioning and performance of sewage treatment systems installed, renovated, or maintained pursuant to the requirements contained herein.

### **6.2 SEVERABILITY**

If a court of competent jurisdiction shall hold any part of this ordinance invalid, it shall not invalidate any other section, provision, or part thereof.