

ARTICLE III
Special Assessments for Sewer and Water Main Construction
[Amended by Ord. No. 90-94]

§ 512-64. Basis for assessment.

The basis for sanitary sewer, storm sewer and water main assessments shall be the assessable linear footage of frontage of each benefited property within an assessment district, computed as per the following requirements.

§ 512-65. Assessable costs.

Sanitary sewer, storm sewer and water main and appurtenances assessable costs:

- A. The front-foot assessment for residential, commercial and industrial zoned properties shall be based on the equivalent size sanitary sewer, storm sewer and water main required to serve the respective assessment district. The assessment rates shall be as determined by the Public Works Commission and as recommended by the engineering services. The minimum equivalent diameter size sanitary sewer for residential properties shall be eight inches and the minimum size for commercial, industrial or institutional properties shall be 10 inches. Sanitary sewers, storm sewers and water mains in public rights-of-way and within easements shall be assessed back to the respective assessment district as directed by the Common Council. **[Amended by Ord. No. 10-30]**
- B. The acreage assessment for residential, commercial and industrial zoned properties shall be levied, as determined by the Common Council, to the respective assessment district. The assessment rates shall be as determined by the Common Council and as recommended by the engineering services. The minimum equivalent diameter size sanitary sewer for residential properties shall be eight inches and the minimum size for commercial, industrial or institutional properties shall be 10 inches. Sanitary sewers, storm sewers and water mains in public rights-of-way and within easements shall be assessed back to the respective assessment district, as directed by the Common Council. **[Amended by Ord. No. 10-30]**
- C. Assessable sanitary sewer, storm sewer and water main costs shall include the total costs for manholes and pump stations, force mains and related appurtenances. Costs involving inspection, engineering, legal, restoration costs such as pavement repair and landscaping, and necessary administration costs to complete a project shall also be assessed back to the respective assessment district.

§ 512-66. Determination of assessable linear footage.

The assessable linear footage shall be determined as follows.

- A. For corner lots:
 - (1) If the sewer is installed in both streets, add the two side dimensions and divide by two to obtain the assessable frontage.
 - (2) If the sewer is installed in one street, add the two side dimensions and divide by two to

obtain the assessable frontage.

- (3) If the owner is given his option for the lateral location and, as a result of his decision, along with certain design decisions for the project, the sewer is not installed on one of the sides, the assessable frontage shall be figured as per Subsection A(1) of this section for corner lots.
- B. On lots with frontage on three streets, use the longest and shortest side and compute as a corner lot.
- C. On lots with frontage on two streets, use frontage on the street with the service connection only, if the lot cannot be subdivided into an additional lot or lots complying with the present zoning ordinance.
- D. For lots on culs-de-sac, use the chord dimension at the building setback line, as measured tangent to the curve at its mid-point, if said setback line is formed by a curved line.
- E. For lots on curves with an exterior angle over 45° as measured between the side lot lines of each lot, use the chord dimension at the building setback line for the inside lots on the curve.
- F. On large tracts of land which are on corners, assume a future corner lot that complies with the minimum present zoning ordinance and apply the corner lot policy. The balance of the frontage shall be considered at full linear footage. Deferment of assessment for large tracts of land will be reviewed by the Public Works Commission on an individual basis upon a written request for deferment by the respective property owner.
- G. All deferments end when connection is made to the facility. When a sanitary sewer, storm sewer and water main passes a large tract of land that would be eligible for deferment, the cost of the assessment for the home site will be assessed for the number of feet that would be required on the minimum width required by zoning.
- H. Lots which do not meet the above criteria will be handled on an individual basis; as each special situation is decided, it will become policy for future decisions of a similar nature.

§ 512-67. Determination of assessable acreage.

The assessable acreage shall be determined as follows:

- A. For actual acreage of all parcels within the assessment district, excluding acreage reserved for road rights-of-way and land zoned in conservancy.
- B. All deferments end when connection is made to the facility. When a sanitary sewer, storm sewer and water main passes a large tract of land that would be eligible for deferment, the cost of the assessment for the home site will be assessed for the acreage that would be required on the minimum lot required by zoning.

§ 512-68. Sanitary sewer laterals.

Sanitary sewer laterals will be assessed back to each respective property for the entire expense, on a unit or lump-sum basis, when installed within public rights-of-way or easements. No time payment will be allowed.

§ 512-69. Deferments.

Generally, deferments are allowed in the final resolution of an assessment project where no connection is desired or available. All deferments end when a parcel is connected to the facility. However, the owner of a large residential parcel may elect to pay or begin paying for the minimum frontage required in the zoning district in which the parcel is located and defer the remainder for the duration of the deferment period. Special assessments for sewer improvements levied upon agricultural lands which are actually devoted to agriculture or farming purposes and are not used for any other purposes shall be deferred on the following basis:

- A. If said land is used for other than agricultural or farming purposes and any use of the improvement is made, the assessment will become due and payable in full upon the next installment payment date for said district in which said property lies, as determined by the final resolution or the first November 1 after said use is made if there is no installment date in said district, and interest established by the final resolution shall be charged from the first November 1 after the date of the final resolution. The interest rate will be that established in the final resolution for deferred assessments, and if there is no separate rate established for deferred assessments, it shall be the same as that established for installments, and if there is none established for either deferred assessments or installments, it shall be at the rate of 12% per annum. If within five years from the date of the final resolution a parcel of said land is divided by certified survey or final subdivision plat, is used for other than agricultural or farming purposes and any use of the improvement is made, the Common Council, as its sole option, may negotiate with such a property owner an agreement by which less than the entire assessment might be paid when only a portion of the property is used for other than agricultural or farming purposes and any use of the improvement is made.
- B. Any assessment deferred pursuant to this resolution may nevertheless be prepaid upon the same terms as installment assessments are allowed to be prepaid and as provided for in the final assessment resolution.

§ 512-70. Assessment calculations on certain installations. [Amended 7-5-2022 by Ord. No. 22-63]

When a developer/landowner extends the sanitary sewer, storm sewer and water main facilities under § 545-8C, the Public Works Director/City Engineer will determine the estimated cost of these facilities to service said parcel requiring the facilities. The cost for the installation beyond what would be required for that parcel (development) will be assessed to all potential benefitted properties by the methods stated in the assessment policy or as established by the final resolution of the project.

§ 512-71. Land split; sale or transfer of property.

When there is a land split or sale of property on which an assessment exists, the following will apply:

- A. If the assessment is deferred, the deferment period ends and the buyer will have the option of lump-sum or installment payment, regardless of whether a connection exists, except as noted in Subsection B below.

- B. When the facility was installed and assessments made under the provisions of § 545-8C, upon sale of the property all such assessments are due and payable in lump-sum payment from the buyer.

§ 512-72. Exclusions.

All properties located within the assessment district will be subject to the police power assessment herein, unless the Common Council makes a determination that a parcel of real estate receives no police power determination of benefit. The Common Council shall make benefit determinations on all properties being assessed prior to the assessment being levied.

§ 512-73. Payment for construction.¹

- A. Payment made be made in cash within 60 days after notice of assessment, with interest at 12% per annum after due date.
- B. Payment may be made in five equal annual installments, if the billing totals \$500 or more, with interest thereon at the rate of 12% per annum. If the property owner sells or transfers title to said parcel within said five-year period, any remaining balance due shall immediately become payable in full upon the date of sale or transfer of ownership.

§ 512-74. Notice of amount of assessment. [Amended 7-5-2022 by Ord. No. 22-63]

The City Clerk shall notify each property owner after the project has been completed and the assessments have been computed of the amount of such assessment and the alternative methods of payment and that, unless the deferred plan is chosen by written notice to the Clerk within 30 days, the property owner will be considered to have chosen the cash payment plan.

§ 512-75. Disposition of moneys.

All moneys received for special assessments for the construction of sanitary sewers, storm sewers and water mains shall be placed in the account in a permanent improvement fund.

§ 512-76. Applications for sewer, curb and gutter, and water. [Amended 7-5-2022 by Ord. No. 22-63]

Applications for sewer, curb and gutter, and water must be received by the Public Works Director/City Engineer on or before August 1 of each year in order to include the work in the financing plan for the following year.

§ 512-77. Report of Public Works Commission. [Amended 7-5-2022 by Ord. No. 22-63]

Immediately after August 1 of each year, the Public Works Director/City Engineer shall notify the Public Works Commission of all applications for sanitary sewer and/or water main extensions, and the Public Works Commission shall submit its written report to the Common Council as soon as possible, approving or disapproving each request and setting forth its reason and the estimated cost of all water main installations which are to be made in connection with the applications for

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

sanitary sewer which it approves.