

**CHAPTER III - STREET, PARK,
AND PUBLIC PROPERTY AND IMPROVEMENTS**

Part 1. Street Excavations

Sec. 301.01. PERMIT REQUIRED

No person, except an authorized city employee or a contractor performing work under a contract with the city, shall make any excavation in a street, alley, sidewalk, or public ground without first having secured a permit therefore from the clerk.

Sec. 301.02. APPLICATION AND REGULATIONS

The clerk shall prepare the necessary application forms and permits required under section 301.01. The clerk shall also prepare such rules and regulations with respect to excavations as the clerk finds necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets, alleys, sidewalks, and public grounds. Any person making an excavation covered by this section shall comply with such rules and regulations.

Sec. 301.03. BOND

Any permittee, except a public utility corporation or a bonded plumber, shall file with the clerk a corporate surety bond, cash deposit, or certified check in the amount of \$1,000.00, conditioned that the permittee will:

- (a) Perform work in connection with the excavation in accordance with applicable ordinances and regulations;
- (b) Indemnify the city and hold it harmless from all damage caused in the execution of such work; and,
- (c) Pay all costs and damages suffered by the city by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work;

The bond shall be approved as to form and legality by the city attorney.

Sec. 301.04. INSURANCE

Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting the permittee from liability to the public, including the city, to an amount equal to the maximum claim the city might be required to pay under Minn. Stat., Chapter 466.

Sec. 301.05. PERMIT DENIAL

Failure to comply with the conditions of this part of the code shall be grounds for denial of future permits.

Sec. 301.06. GENERAL REGULATIONS FOR EXCAVATIONS

Street openings shall be made in a manner that will cause the least inconvenience to the public. Provision shall be made for the passage of water along the gutters and at least one-half of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles. Open excavations shall be guarded with substantial barriers and marked with red flags and at night with lights or flashing devices. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing. Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city for all damages caused by such freezing and all damages sustained by others by such freezing for which the city may be liable.

Sec. 301.07. REFILLING EXCAVATIONS

Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the city clerk. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within 24 hours after notice from the city shall be liable to the city for the full cost incurred by the city in remedying the defect and restoring the street, sidewalk, alley, or public ground to its proper condition. The cost shall be an obligation of the surety on the bond of the permittee.

Sec. 301.08. MAP OF SUBSURFACE INSTALLATIONS

The clerk shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds, or right-of-way. The information on the map shall be sufficiently complete and accurate to permit anyone making an excavation in a public place having any underground installation to avoid damage to any existing

underground installation and to properly locate them. Any new underground facilities shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of city underground installations.

**Part 2. Assessable Current Services;
Obligation of Property Owners and Occupant**

Sec. 302.01. DEFINITION

The term "current service" as used in this part of the code means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in Minn. Stat. 463.15-463.26; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

Sec. 302.02. SNOW, ICE, DIRT, AND RUBBISH

Subd. 1. Duty of Owners and Occupants - The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

Subd. 2. Removal by City - The clerk may cause removal from all public sidewalks all snow, ice, and rubbish as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The clerk shall keep a record showing the cost of such removal adjacent to each separate lot and parcel.

Sec. 302.03. WEED ELIMINATION

Subd. 1. Weeds as a Nuisance - Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than 6 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

Subd. 2. Notice - On or before June 1 of each year and at other times as ordered by resolution of the council, the city clerk shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared by Subdivision 1 to be a nuisance and stating that if not so destroyed within 10 days after publication of the notice, the weeds will be destroyed by the city employees at the expense of the owner and that if not paid, the charge for such work will be made a special assessment against the property concerned.

Subd. 3. Removal by City - If the owner or occupant of any property in the city fails to comply with the notice within 10 days after its publication, city employees may cut and remove such weeds. The clerk shall keep a record showing the cost of such work attributable to each separate lot and parcel.

Sec. 302.04. PUBLIC HEALTH AND SAFETY HAZARDS

When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the city clerk.

Sec. 302.05. INSTALLATION AND REPAIR OF WATER SERVICE LINES

Whenever the city installs or repairs water service lines serving private property under Chapter IV of this code, the clerk shall keep a record of the total cost of the installation or repair against the property.

Sec. 302.06. REPAIR OF SIDEWALKS AND ALLEYS

Subd. 1. Duty of Owner - The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the council and on file in the office of the city clerk.

Subd. 2. Inspections; Notice - The council or its designee shall make such inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the council shall cause a notice to be served, by registered or certified mail or by personal service upon the record owner of the property, ordering such owner to have the sidewalk or alley repaired and made safe

within 30 days and stating that if the owner fails to do so, the city will do so. The expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

- Subd. 3. Repair by City - If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the clerk shall report the facts to the council and the council shall by resolution order the work done by contract in accordance with law. The clerk shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city council.

Sec. 302.07. PERSONAL LIABILITY

The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of such service. As soon as the service has been completed and the cost determined, the city clerk, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the city council.

Sec. 302.08. DAMAGE TO PUBLIC PROPERTY

Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of such vehicle, equipment, or object or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted by statute or this code. When such driver is not the owner of such vehicle, equipment, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collected by action or as a lien under Minn. Stat. 514.67.

Sec. 302.09. ASSESSMENT

On or before September 1 of each year, the clerk shall list the total unpaid charges for each type of current service and charges under section 302.08 against each separate lot or parcel to which they are attributable under this ordinance. The council may then spread the charges against property benefited as a special assessment under Minn. Stat. 429.01 and other pertinent statutes for certification to the county auditor and collection

along with current taxes the following year or in annual installments, not exceeding 10, as the council may determine in each case.

Part 3. Financing of Local Improvements

Sec. 303.01. PURPOSE, SCOPE AND LIMITS

The purpose of these special assessment policies is to set forth the policies and procedures for the determination of benefit and the assessment of cost of the various public improvements which are constructed and installed by the City of Sherburn pursuant to Minnesota Statutes, city ordinances, and order of the city councils. These policies shall serve as a guide for this and future city councils for administrative personnel and as a source of information for all persons concerned with such matters. It is the intent and purpose of these policies to provide for and insure consistent, uniform, fair, and equitable treatment insofar as is practical and possible, of all property owners in regard to the assessment of cost for benefits to property for the various improvements of streets and utilities within the city.

Sec. 303.02. GENERAL STATEMENT OF POLICY

The City council of Sherburn hereby declares that these assessment policies contained herein are the policies that the city is dedicated to follow as nearly as is possible and practical, and that all improvement costs shall, whenever possible, be assessed against benefited property as set forth in these policy statements.

Sec. 303.03. SCOPE AND LIMITS

These assessment policies are designed to serve only as a general guide for the city council in allocating benefits to properties for the purpose of defraying the cost of installing and improving public facilities. The council reserves the right to vary from these policies if the policies act to create obvious inequalities, or where the assignment of benefit to a particular property is difficult because of an extreme or unusual situation, which is unlikely to occur in the future, or if such variance is deemed to be in the best interest of the city.

Sec. 303.04. INTERPRETATION AND APPLICATION

It is the intention of the council that in the event the literal application of the provisions outlined herein would result in an inequitable distribution of special assessments the city council reserves the right to adjust the policy so as to achieve a more equitable distribution, without formal amendment to the code.

Sec. 303.05. DEFINITIONS

- Subd. 1. Total Assessable Cost - For the purposes of this Chapter, “Total Assessable Cost” shall mean the portion of the total project cost that is to be financed through special assessments and shall be equal to the total project cost minus city cost.
- Subd. 2. City - For the purposes of this chapter “city” shall mean the City of Sherburn.
- Subd. 3. City Cost - For the purposes of this chapter, “city cost” shall mean the portion of the total project cost that is to be financed from sources other than special assessments and shall be equal to the total project cost minus total assessable cost.
- Subd. 4. Assessable Frontage - For the purpose of this chapter, “assessable frontage” shall mean the amount of frontage attributed to a property for assessment purposes and shall be based upon a formula set forth in this chapter.
- Subd. 5. Benefited Property - For the purpose of this chapter, “benefited property” shall mean any property that, in the opinion of the city council, and as a result of a given project receives some direct or indirect benefit, utility, value, or use.
- Subd. 6. Undeveloped Areas - For the purposes of this chapter “undeveloped areas” shall mean any area that has not been subdivided.
- Subd. 7. Arterial Streets - For the purposes of this chapter, “arterial streets” shall mean a street which provides service to long and moderate trips and is used primarily for traffic to, from, and through the city.
- Subd. 8. Collector Streets - For the purposes of this chapter, “collector streets” shall mean any street which distributes trips from the arterial through the area to the ultimate destination which may or may not be on a local street.
- Subd. 9. Residential Streets For the purposes of this chapter, “residential Streets” shall mean any street which provides access to abutting properties from the higher order streets.
- Subd. 10. Alleys For the purposes of this chapter, “alleys” shall mean a public right-of-way primarily designed to serve as a secondary access to the side or rear of a property whose principal frontage is on some other street.

- Subd 11. Rural Streets - For purposes of this chapter, “rural streets” shall mean any road so designated by the city council that is designed to serve areas that are not urban in nature and are not likely to become urban in nature during the normal life expectancy of the road.
- Subd. 12. Trunk Line - For the purpose of this chapter, “trunk line” shall mean a large diameter line which has the primary function of conveying water, sanitary sewer, storm sewer, or other utility for more than one property.
- Subd. 13. Lateral - For the purposes of this chapter, “lateral” shall mean a small diameter line which has a primary function of conveying water, sanitary sewer, storm sewer, or other utility between individual lots and the trunk lines.
- Subd. 14. City Engineer - For the purposes of this chapter “city engineer” shall mean a professional engineer as designated by the city council.

Sec. 303.06. EXTENTION BEYOND CITY LIMITS

The city will not provide public improvements or extension of utility service beyond the city limits of the City of Sherburn for the purpose of service to properties lying outside the city.

Sec. 303.07. EXTENSIONS INTO UNDEVELOPED AREAS

The city will not provide public improvements or extension of utility service into undeveloped areas or onto land that has not been subdivided.

Sec. 303.08. SERVICE LIFE OF IMPROVEMENTS

Public improvements are judged to have normal useable life expectancy. For the purpose of this policy statement, the life expectancy shall be as follows:

- (a) Surface Improvements
1. Grading and Graveling – no limits
 2. Sidewalks – 30 years
 3. Concrete Curb and Gutter – 30 years
 4. Bituminous Surface on 6” Aggregate Base – 20 years

5. Full depth Asphaltic Concrete – 30 years
 6. Hot Mix Bituminous – 20 years
 7. Concrete Pavement – 40 years
- (b) Subsurface Improvements
1. Sanitary Sewer – 40 years
 2. Storm sewer – 40 years
 3. Sump Pump Lines – 40 years
 4. Watermain – 40 years

Sec. 303.09. STANDARDS FOR IMPROVEMENTS

Subd. 1. Streets

- (a) Prior to street construction, surfacing, or resurfacing, all utilities and utility service lines, including sanitary sewer, water lines, storm sewer and sump pump lines, and gas and electric services, shall be installed to serve each known or assumed building location.
- (b) No surface improvements to less than both sides of a full block of street shall be approved except as necessary to complete the improvement of a block which has previously been partially completed.
- (c) All streets shall be constructed according to the following minimum design standards and any additional requirements of the city engineer.
 1. Arterial Streets. All arterial streets shall be of a “9 ton” design and of adequate width to accommodate projected traffic volumes.
 2. Collector Streets. All collector streets shall be of “9 ton” design and shall be not less than 44 feet in width measured between faces of curbs.
 3. Residential Streets. All residential streets shall be of “7 ton” design, not less than 40 feet in width, measured between faces of curbs.

4. Alleys. It will be the Council’s intention to focus on alleys only after the arterial; collector and residential streets have been improved. Alleys shall be constructed of “5 ton” design in residential areas, “7 ton” design in commercial areas, and of “9 ton design” in industrial areas.

Subd 2. Curb and Gutter

- (a) Concrete curbing and gutter shall be installed at the same time as street surfacing or resurfacing except that curbs shall not be required where a permanent “rural” street design is approved by the city council.
- (b) All curb and gutter shall be constructed of concrete and shall meet the minimum specifications of the city engineer.

Subd. 3. Sidewalks and Driveways

All sidewalks and driveways constructed within the right-of-way shall meet the minimum specifications of the city engineer.

Subd. 4. Watermain – Trunk Lines and Laterals

- (a) Trunk watermain 6” in diameter shall be considered standard for all residential areas.
- (b) All watermain trunk lines and laterals shall meet the minimum specifications of the city engineer.
- (c) Service lines to each known or assumed building location shall be installed in conjunction with the construction of the mains.

Subd. 5. Sanitary Sewer – Trunk Lines and Laterals

- (a) Trunk sanitary sewer 8” in diameter shall be considered standard for all residential areas.
- (b) All sanitary sewer trunk lines and laterals shall meet the minimum specifications of the city engineer.

Subd. 6. Storm Sewer – Trunk Lines and Sump Pump Lines

- (a) The installation of storm sewer, underdrains, and sump pump lines shall be required for all new street construction or any street reconstruction.

- (b) Trunk storm sewer 8” in diameter shall be considered standard for all residential areas. Storm sewer shall be sized in accordance with “Rational Method” storm design practice. Storm sewer in residential and commercial industrial areas shall be sized for the two to five year storms respectively.
- (c) All sanitary sewer trunk lines and sump pump lines shall meet the minimum specifications of the city engineer.

Sec. 303.10. GENERAL ASSESSMENT POLICIES

- Subd. 1. Calculation of Assessable Cost - The city council shall determine the total assessable cost of the improvement by adding the cost of the contract cost; the cost of labor and materials furnished by the city if not contained in contract costs; the cost of engineering, legal, fiscal, and administrative services provided by the city staff or other parties; the cost of acquiring property or right-of-way required by the improvement; interest costs incurred by the city between the time money is borrowed for the improvement and special assessments are levied for collection; and any other costs which in the opinion of the city council should be included as part of the total project cost.
- Subd. 2. Public-Owned Property - City-owned properties, including municipal building sites, parks and playgrounds, but not including public streets and alleys, shall be assessable on the same basis as if such property was privately owned.
- Subd. 3. Determination of Assessable Frontage
 - (a) The amount of assessable frontage assigned to each property shall be linear footage abutting or benefited by the street improvement, determined by measuring at the front of each property the distance between property lines.
 - (b) Irregular shaped lots shall be given an average width. This average width may be determined by dividing the square footage of the lot by the average lot depth.
 - (c) The front footage assigned to corner lots shall be the property frontage abutting the improvement. When an improvement project affects two sides of a corner lot, the assessable frontage shall be one hundred percent (100%) of the short side of the lot, plus 33% of the first 150 feet of the long side, plus one hundred (100%) of any frontage over 150 feet.

- Subd. 4. Application of Financial Assistance. - If financial assistance is received from the federal government, from the State of Minnesota, or from any other source to defray a portion of the costs of a given improvement, such aid will first be used to reduce the “city cost” of the improvement. If the amount of assistance exceeds the amount of “city cost”, the excess assistance shall be used to reduce the “assessable cost”.
- Subd.5. Rate and Term of Assessments - The terms of the assessment shall be determined by the city council for each separate project. The maximum term of any assessment shall be 20 years, but the city council may at its discretion designate a shorter term. The Council shall establish an interest rate to be paid on unpaid balances as may be necessary, but not less than the amount required to meet the bond principal and interest payments.
- Subd. 6. Source of Funds – City Share - The city council may, at its discretion finance its share of costs for any improvement in one or more of the following methods, or any combination.
- (a) Street and other surface improvements
1. Pay all or portions of the reconstruction costs with ad valorem city tax funds, municipal, State Aid Street funds, reserves, or such other funds which may be appropriate and available to the city from time to time.
 2. For street reconstruction or repairs required due to a utility line relocation, repair, or replacement, the city shall require total cost sharing from the appropriate utility fund or whatever private utility company may be involved.
- (b) Water and Sewer Improvements
1. Pay all or portions of the project cost through an assessment of all properties which have contributed to the inadequacy of the original project and/or who are benefited by the project.
 2. Require payment from utility revenues of the appropriate utility fund.
 3. Levy and ad valorem tax to pay all or a portion of the city’s share of any project or use such other funds as may be available to the city from time to time.

Subd. 7. Deferment of Assessment for Senior Citizens

- (a) The city council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older and has an annual family income which is less than the 60% of the median income for Martin County.
- (b) The deferment shall be granted upon a certification by the owner on a form prescribed by the county assessor supplemented by the City Clerk to establish the qualification of the owner for such assessment. The application shall be made within thirty (30) days after the adoption of the assessment roll by the city council.
- (c) The deferment shall be reviewed each following year upon the filing of similar application not later than August 30. The clerk shall grant the renewal unless the applicant becomes no longer eligible due to the requirements of Part E of this subdivision.
- (d) The council shall either grant or deny the deferment, and if it grants the deferment, it may set a rate at which interest is accrued for the deferred balance and it may require payment of the interest due each year.
- (e) The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:
 - 1. The death of the owner when there is no spouse who is eligible for deferment;
 - 2. The sale, transfer, or subdivision of all or any part of the property;
 - 3. Loss of the homestead status of the property;
 - 4. Determination by the Council for any reason that there will be no hardship to require immediate or partial prepayments, or;
 - 5. Failure to file a renew application within the time prescribed under Part C of this subdivision.

Subd. 8. Other Deferments

- (a) The city council, at its discretion, may grant deferment of up to three years for the following improvements in new subdivisions; water and sanitary sewer facilities, storm sewer facilities, and curb and gutter construction.
- (b) In the event that a deferment is granted under this subdivision, bituminous surfacing shall be required within one year after installation of underground facilities, with no deferment provided on the bituminous surfacing.
- (c) No interest will be charged during the three (3) year deferment period for any deferment issued under this ordinance.
- (d) In the event that a lot is sold, or a building permit is issued, the deferred payment of the assessment no longer applies for that specific lot, and the improvements are immediately assessed against the benefiting property.

Sec. 303.11. ASSESSMENT FORMULAS

Subd. 1. Frontage Basis. - On improvements that are to be assessed on a frontage basis the assessment upon an individual property shall be calculated by multiplying the property's assessable frontage by the quotient of the total assessable project cost divided by the total assessable project frontage.

$$\begin{array}{l} \text{Individual property's} \\ \text{assessable frontage} \end{array} \quad \times \quad \frac{\text{Total Assessable Project Cost}}{\text{Total Assessable Frontage}} \quad = \quad \begin{array}{l} \text{Individual} \\ \text{Assessment} \end{array}$$

Subd. 2. Square Foot Basis. - On improvements that are to be assessed on a square foot basis, the assessment upon an individual property shall be calculated by multiplying the property's square footage by the quotient of the total assessable project cost divided by the total project square footage.

$$\begin{array}{l} \text{Individual property's} \\ \text{square footage} \end{array} \quad \times \quad \frac{\text{Total Assessable Project Cost}}{\text{Total Project Square Footage}} \quad = \quad \begin{array}{l} \text{Individual} \\ \text{Assessment} \end{array}$$

Sec. 303.12. INITIATION OF PUBLIC IMPROVEMENT PROJECTS

Subd. 1. Action by City Council. - The city council may initiate an improvement when in its judgment, such action is required for the best interest of the city.

Subd. 2. Citizen Petition - Public improvement projects may be initiated by petition of no less than 35% of the affected property owners. Such petitions must be received by the city administrator's office prior to May 1 of any year. If the petitioned project includes improvements to one or more of the following: sanitary sewer, sump pumps line, grading and graveling, or watermain; petitions must be received by the city administrator's office prior to January 1 of any year. Petitions for improvements submitted after that date will be received and acted upon during that year only by special consent of the city council, or will be acted upon the following year.

Sec. 303.13. STREETS

Subd. 1. New Construction. - Seventy-five percent (75%) of the total assessable cost of any improvement associated with the construction of new streets shall be assessed against the benefited property on a frontage basis of a through street. One hundred percent (100%) of the cost of a closed street (one serving only the residences on that street) is assessed to the benefiting property owner.

Subd. 2. Reconstruction - When conditions of existing streets have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the city council may elect to replace the street facilities. In the case of arterial/collector streets twenty-five (25%) to fifty (50%) percent of the cost of any such improvement shall be assessed against benefited property on a frontage basis. In the case of residential streets/ alleys one hundred (100%) percent of the cost of any improvement shall be assessed against benefited properties.

Subd. 3. Maximum Street Size - In no case shall a property be assessed for more than a 40 foot street.

Subd. 4. Overlay and Sealcoating - The city may sealcoat the street in accordance with the recommendation of the city engineer. In this event, the city shall assume 100% of the total cost associated with such minor improvement.

Sec. 303.14. CURB AND GUTTER

Subd. 1. New Construction - One hundred percent (100%) of the cost of new curb and gutter shall be assessed against the benefiting properties on a frontage basis.

- Subd. 2. Replacement - When condition of existing curb, gutter, or curb and gutter have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the city council may elect to replace the curb and gutter facilities. One hundred percent (100%) of the **total assessable cost** of such replacement shall be assessed to the benefiting property on a frontage basis.

Sec. 303.15. DRIVEWAYS

New Construction - One hundred percent of the cost for installing driveway facilities within the right of way shall be assessed against benefiting properties on a square footage basis. It shall be the responsibility of the abutting property owner to keep the driveway facilities in good condition, and if major repair or replacement of a section of driveway within the right of way shall become necessary the city may cause the improvement to be made and shall assess all cost against the affected property owner.

Sec. 303.16. SIDEWALKS

- Subd. 1. New Construction – New Developments - One hundred percent (100%) of the cost for installing sidewalks within the new development shall be assessed against the benefiting properties on a square footage basis. It shall be the responsibility of the abutting property owner to keep the sidewalk facilities in good condition, and if major repair or replacement of a section of sidewalk shall become necessary, the city may cause the improvement to be made and shall assess all cost against the affected property owner.
- Subd. 2. New Construction – Existing Developments - Fifty percent (50%) of the cost for installing new sidewalks within existing developments shall be assessed against benefiting properties on a square footage basis and fifty percent (50%) of the cost shall be assumed by the city. It shall be the responsibility of the abutting property owner to keep sidewalk facilities in good condition, and if major repair or replacement of a section of sidewalk shall become necessary, the city may cause the improvement to be made and shall assess all cost against the affected property owner.

Sec. 303.17. WATERMAINS – TRUNK LINES AND LATERALS

- Subd. 1. New Construction - One hundred percent (100%) of the cost of new trunk water lines and water service laterals shall be assessed against the benefiting properties on a frontage basis.

Subd. 2. Replacement - When condition of existing trunk water lines and/or existing water service laterals have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the city council may elect to replace the water facilities. Fifty percent (50%) of the cost of replacement of trunk water lines shall be assessed to the benefiting property on a frontage basis and (50%) shall be assumed by the city. One hundred percent (100%) of replacement of service laterals shall be assessed against the benefiting property.

Subd.3. Oversized Lines - In the event that oversized trunk lines, over 6” in diameter, is required for the purpose of providing service to areas beyond the area or development under consideration, then the assessable cost shall be the cost for the installation of a line 6” in diameter. Any additional cost for the increase in line diameter shall be assumed by the city.

Sec. 303.18. SANITARY SEWER – TRUNK LINES AND LATERALS

Subd. 1. New Construction - One hundred percent (100%) of the cost of new trunk sewer lines and sewer service laterals shall be assessed against the benefiting properties on a frontage basis.

Subd. 2. Replacement - When condition of existing trunk sewer lines and/or existing sewer service laterals have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the city council may elect to replace the sewer facilities. Fifty percent (50%) shall be assumed by the city. One hundred percent (100%) of replacement of service laterals shall be assessed against the benefiting property.

Subd. 3. Oversized Lines - In the event that oversized sewer trunk lines, over 8” in diameter, is required for the purpose of providing service to areas beyond the area or development under construction, then the assessable cost shall be the cost for the installation of a line 8” in diameter. Any additional cost for the increase in line diameter shall be assumed by the city.

Sec. 303.19. STORM SEWER

Subd. 1. New Construction – New Developments - When storm sewer facilities are installed for areas of new development, seventy-five percent (75%) of the cost of new trunk storm sewer lines shall be assessed against the benefiting property on a frontage basis.

- Subd. 2. New Construction – Developed Areas - When new storm sewer facilities are installed in areas that have been previously developed, the city shall assume one hundred percent (100%) of the cost of such installation.
- Subd. 3. Replacement - When condition of existing trunk storm sewer lines and/or existing sump pump lines have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the city council may elect to replace the storm sewer facilities. One hundred percent (100%) of the cost of such replacement shall be assumed by the city.
- Subd. 4. Oversized Lines - In the event that oversized storm sewer trunk lines, over 8” in diameter, is required for the purpose of providing service to areas beyond the area or development under consideration then the assessable cost shall be the cost for the installation of a line 8” in diameter. Any additional cost for the increase in line diameter shall be assumed by the city.
- Subd. 5. Storm Water Retention Facilities - In the event that the anticipated storm sewer water volume, in the opinion of the city engineer, requires the construction of storm water retention facilities, the City may elect to construct such facilities. One hundred percent (100%) of the cost for such storm water retention facilities shall be assumed by the city, except that when storm water retention facilities are installed within a new development or as a result of a new development, the city shall assume a proportion of the cost upon the ratio of square footage of benefiting land outside the development to the total amount of benefiting land. The remaining cost of such facility shall be assessed against the benefiting properties within the development on a square foot basis.