



Creation of a Sanitary District Under the Provisions of Minn. Stat. §§ 115.18 to 115.21

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Contents

Procedure for Creation
of a Sanitary District
..... page 1

Annexation and
Detachment..... page 2

Timeline for Creation of
a Sanitary District
..... page 3

Please Note:

*This document is
intended to be only an
informal aid to
sanitary district
petitioners.*

*Petitioners should not
rely solely on this
document and should
instead make
themselves fully
aware of all the
requirements of Minn.
Stat. §§ 115.19 –
115.20*

In order to address a regional water pollution problem, the Minnesota Pollution Control Agency (MPCA) can be petitioned for the formation of a sanitary district. These districts are created “for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and garbage and industrial wastes within the district.” (Minn. Stat. § 115.19)

Procedure for creation of a sanitary district (Minn. Stat. §§ 115.18 to 115.20)

The process of forming a district may be initiated by submitting a petition to the MPCA. The petition must contain the following:

- A request for creation of the proposed district.
- The name proposed for the district, to include the words “sanitary district”.
- A description (legal) of the territory of the proposed district.
- A statement showing the existence of the requisite conditions for creation of a district in the territory as prescribed by Minn. Stat. § 115.19.
- A statement of the territorial units represented by and the qualifications of the respective signers.
- The post office address of each signer, given under the signer’s signature. (Minn. Stat. § 115.20)

The governing bodies that preside over the area in which the sanitary district will be located must adopt a resolution for formation of the district. The resolution must be published in the official

newspaper of the governing body adopting it and will become effective 40 days after publication. However, if five percent of the individuals voting in the last election of the governing body request a referendum, the resolution may not become effective until approved by a majority of the qualified electors voting in the regular or special election. The notice of any election and the ballot to be used shall contain the text of the resolution followed by the question: “Shall the above resolution be approved?” (Minn. Stat. § 115.20, subd. 2)

An officer of each municipality or organized town where there is a territorial unit of the proposed district should sign the petition 40 days after publication of the resolution. If the proposed district is located in an unorganized area within a county, the petition may be signed by an officer of the county 40 days after publication of the resolution or by 20 percent of the voters residing and owning land within that area. A certified statement from the county auditor attesting to the landowner status of individuals residing within the proposed district who have signed the petition must be provided. (Minn. Stat. § 115.20, subd. 2)

In addition to submitting a petition, a public meeting must be held to inform all property owners of the proposal to create the sanitary district. A notice of the meeting must also be posted in each territorial unit for two weeks. The following information must be provided at the meeting: a description of the proposed structure of the district, bylaws, territory, ordinances, budget and charges. (Minn. Stat. § 115.20, subd. 1)

Once all of the documents necessary for a complete petition are received, the MPCA will conduct a detailed review of the petition to ensure that all statutory requirements have been met. If the petition is complete and accurate, the MPCA will publish a notice in the *State Register* indicating the intent to approve creation of the district and will mail a copy of the notice to each affected property owner as given by the county auditor. The mailed copy must specify the date the notice is to appear in the *State Register*. The notice will:

- Describe the petition for creation of the district.
- Specify the territory affected by the petition.
- Allow 30 days for submission of written comments.
- State that a person who objects to the petition may submit a written request for a hearing to the agency within 30 days of the publication of the notice in the *State Register*.
- State that if a timely request for a hearing is not received, the agency may decide on the petition at a future meeting of the agency. (Minn. Stat. § 115.20, subd. 4)

If 25 or more timely requests for a hearing are received, the agency must hold a hearing on the petition in accordance with the contested case provisions of Minn. Stat. ch. 14. Upon conclusion of the 30 day public notice period, or after the public hearing, if required, the agency will make findings of fact and conclusions determining whether the conditions requisite for the creation of a district exist in the territory described in the petition. If the MPCA finds that the conditions exist, an order will be made creating the district. However, if the MPCA finds that the requisite conditions for formation of a sanitary district do not exist, it will make an order denying the petition. (Minn. Stat. § 115.20, subd. 5 and 6)

The Findings of Fact, Conclusions, and Order (Order) will be published in the *State Register* and mailed to each landowner in the proposed district. The notice of the Order shall refer to the date of the Order and describe the territory of the district. An appeal from the agency's decision may be taken up to 30 days after publication of the Order or 30 days after completion of the mailing of copies of the Order, whichever is latest. (Minn. Stat. § 115.20, subd. 8)

If no appeals have been filed before the period for an appeal from the Order has expired, or, in case of an appeal, upon the taking effect of a final judgment of a court of competent jurisdiction sustaining the Order, the MPCA will deliver a certified copy of the Order to the Secretary of State for filing. The creation of the district will then be deemed complete. A certified copy of the Order will be mailed to the county auditor of each county, the clerk of each municipality and organized town, and the secretary of the district board. (Minn. Stat. § 115.20, subd. 9)

Annexation and detachment (Minn. Stat. § 115.21)

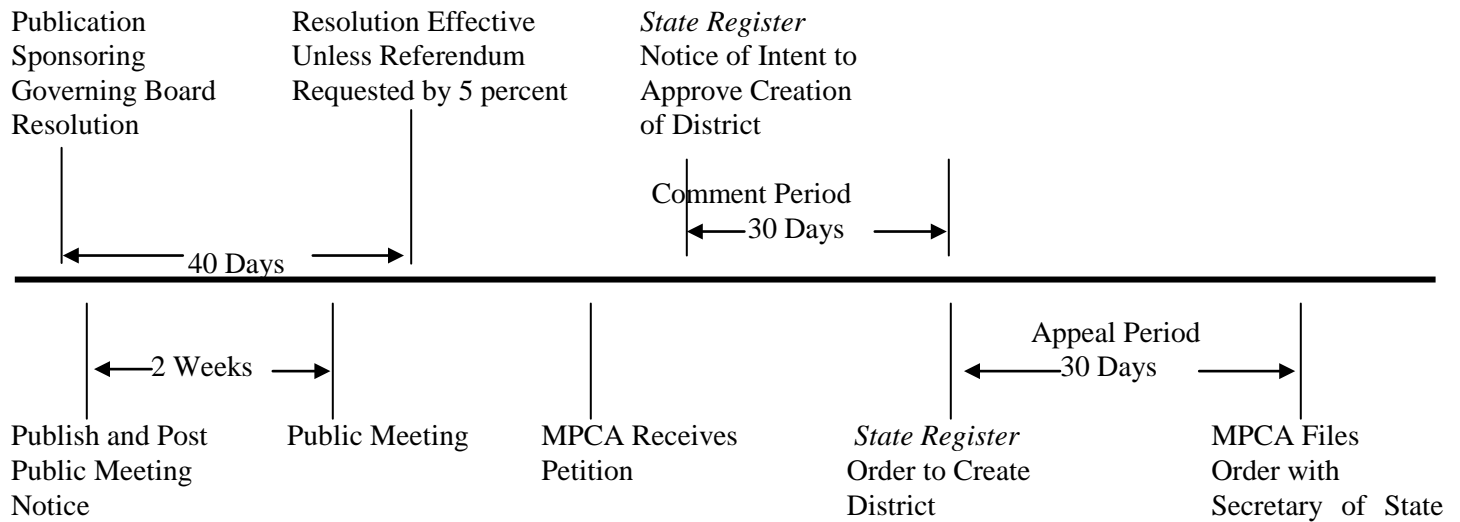
In order to annex or detach an area adjacent to an existing district, the petitioners must proceed in a similar manner as prescribed for the creation of a district under Minn. Stat. § 115.20. The petition must be signed with respect to the area proposed for annexation or detachment as provided for a petition for creation of a district. Different areas may be annexed to and detached from a district in a single proceeding by filing a joint petition. (Minn. Stat. § 115.21, subd. 1, 2, and 3)

For more information

The MPCA has staff available to answer your questions about sanitary districts. Please contact us at 218-302-6652, toll-free at 800-657-3864; or TTY at 651-282-5332.

Additional information can also be found at the MPCA website: <http://www.pca.state.mn.us/enzqb31>.

Timeline for Creation of a Sanitary District Under Minn. Stat. §§ 115.18 to 115.20*



*The public meeting and the publication of the resolution do not need to occur simultaneously. The public meeting can happen before, during, or after the time the resolution is published and signed.